

LIGHTS, CAMERA, TAKE ACTION:
IMPACT OF FILM ON PUBLIC OPINION AND POLICY REGARDING CAPITAL
PUNISHMENT AND HIV/AIDS

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ABSTRACT

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Film reflects the values and struggles of a generation, but films can also spread awareness about social issues that can affect change. In this thesis, I explore how certain films, both theatrical and documentary, can have an impact on public opinion, which can, in turn, result in the policy changes to address social issues. Two controversial social issues I discuss are capital punishment and the HIV/AIDS crisis. Both issues have been topics of major discussion and debate in recent history and have led to the proposal of a fair amount of legislation. An influencer of public opinion is Hollywood and the films it releases. Whether these films are based on true events or fictionalized accounts, movies often get people talking about topics and ideas they might otherwise not address. The question I want to answer in my thesis is how has film influenced society's perceptions of capital punishment and the HIV/AIDS crisis?

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I. INTRODUCTION

For more than a century, people have questioned and studied the influence different forms of entertainment can exert on their audience. These forms include literature, theater, film, television, and podcasts. If these mediums can exert influence on their audience, it is possible that they can have a broader impact in contributing to changes in public opinion and, eventually, in public policy. Recent examples of this phenomenon include the popular 2014 podcast, *Serial*, which tells the story of Adnan Syed convicted of first-degree murder at age 17 and all the errors throughout the investigation and trial that landed him in prison for life. The podcast raised such serious questions regarding his guilt, that letters and petitions from people all over America contributed to his being granted a re-trial to consider this new evidence. Similarly, Netflix released *Making a Murder* in 2015, which cast serious doubts on the conviction of Steven Avery for murder and rape. One petition demanding a retrial for him received more than 100,000 signatures. These two recent examples provide evidence that entertainment mediums can have an impact on our justice system, but can they impact more than just one individual? Could they have an impact on society more generally?

In this thesis, I measure the influence films can have on public opinion and policy by analyzing several films on two controversial issues: capital punishment and HIV/AIDS. These issues share several similarities that make them excellent issues to analyze in tandem. Both issues have been the topic of national debate involving aspects that are often more abstract, and these films premiered at a time when they would attract larger audiences. First, abstract aspects of these social issues can be very important in demonstrating the impact film has had. For example, the visual depiction of an execution elicits a much stronger reaction than simply discussing the technicalities of capital punishment. Similarly, during the late 1980s and early 1990s, the

American public had many misconceptions about medical details on the human immunodeficiency virus (HIV), which often led to the development of the autoimmune deficiency syndrome (AIDS). Depictions of AIDS patients in film revealed the discrimination they faced, which helped clarify medical information to properly inform the audience about the disease. Also, the primary years of discussion are prior to the spread of streaming services such as Netflix. This fact is important because it indicates that more people were likely to go to the movies and be exposed to these ideas when they were most relevant to the public. Analysis in the following chapters provides evidence that release of the films discussed correlates with changing public opinion in favor of the message put forward by each movie. This evidence includes public opinion data and relevant policy changes. If films can influence public opinion, then they can indirectly bring about policy change, but can we prove that these films did, in fact, have an impact on public opinion?

Psychologists have conducted several studies with experimental results on the impact film can have on the opinions of the viewer. One study presented a group of participants with either an episode of *Law & Order* with a pro-death penalty message or an episode of a different show with no mention of the death penalty.¹ Before the experiment, the participants were surveyed on their stance on various political issues including the death penalty. They were then split into two groups, one of which watched the *Law & Order* episode and the other watched the death penalty-neutral episode. When the participants were surveyed after viewing the episodes, those who watched the *Law & Order* episode demonstrated more support for capital punishment than they had previously

¹ Isabel Barrios and Juan-José Igartua, Changing Real-World Beliefs With Controversial Movies: Processes and Mechanisms of Narrative Persuasion, *Journal of Communication*, Volume 62, Issue 3, 2012, 514–531, <https://doi.org/10.1111/j.1460-2466.2012.01640.x>.

and more than those who watched the other episode. Another similar study demonstrated that watching films containing pro-gay sentiments reduced homophobia among audiences.²

Considering this experimental evidence that films can have the proposed influence on people's opinion, psychologists have hypothesized as to how films accomplish this feat. One explanation is the phenomenon termed "transportation," which describes the viewer's experience of suspending their realistic beliefs and accepting the fictional realm as reality for the duration of the feature. Transportation is typically a pleasant experience, which is part of the reason the film industry is so successful. When we are transported to this fictional reality, we are less likely to counterargue with the ideas before us because we are encouraged to accept the plotline to best enjoy the film.³ If we are less likely to counterargue then we are more susceptible to the ideas presented in the context of the film, which is the primary path by which movies influence our opinions. A second explanation for how movies influence our beliefs is through identification with the characters. Audience members who can relate to characters in the story or if characters remind them of loved ones experience a greater impact than those who do not.⁴ This tactic of character identification proves very appropriate and useful for films on capital punishment and HIV/AIDS.

Considering these hypotheses and findings by psychologists on the power of film, I present films on the topic of capital punishment and HIV/AIDS that I argue impacted public opinion in America and helped spur policy change. First, I discuss the history and controversy of the death penalty before analyzing *The Thin Blue Line* (1988), *Dead Man Walking* (1995), and *The Green Mile* (1999). I summarize each film and describe the applied techniques that helped impact

² Melanie C. Green, Narratives and Cancer Communication, *Journal of Communication*, Volume 56, Issue suppl_1, 1 August 2006, Pages S163–S183, <https://doi.org/10.1111/j.1460-2466.2006.00288.x>.

³ Melanie C. Green and Timothy C. Brock, 2000, "The Role of Transportation in the Persuasiveness of Public Narratives." *Journal of Personality and Social Psychology* 79 (5): 701–21. doi:10.1037/0022-3514.79.5.701.

⁴ Ibid.

audiences. Then, I provide evidence of shifting public opinion and policy change to support my argument. Next, I follow a very similar methodology on the topic of HIV/AIDS, where I analyze the issue through the films *An Early Frost* (1985), *Philadelphia* (1993), and *Dallas Buyers Club* (2013). Finally, after presenting the evidence supporting this argument, I discuss the implications of these findings and how other films may be similarly impacting public opinion on other current social issues.

II. CAPITAL PUNISHMENT

The use of capital punishment has always been a divisive issue in the United States where conservatives are far more likely to support capital punishment than liberals. Similarly, men are more likely to support capital punishment than women and Caucasians are drastically more likely to support the practice than people of color.⁵ Briefly abolished in 1972 due to the ground-breaking Supreme Court decision in *Furman v. Georgia*, the death penalty was reinstated a short four years later when the Supreme Court ruled in *Gregg v. Georgia* that it was constitutional in particular cases.⁶ In my analysis, I focus on the period after 1976, often considered the modern era of the death penalty. This narrower scope allows me to focus specifically on the time period most relevant to the films I discuss. After the reinstatement, some states chose to keep the death penalty illegal while others eagerly reinstated it. Once the death penalty was reinstated, executions did not instantly pick back up. In fact, the process was much slower than before it was abolished because states wanted to be much more meticulous to avoid any wrongful executions, which was a key reason for its suspension in the first place. Over the course of the next forty years, states would suspend the use of the death penalty only to reinstate it while others would abolish it entirely. In recent years, the crime rate has been steadily decreasing placing the use of the death penalty under greater scrutiny. Is it still as necessary as people felt it once was? The history of the death penalty in the United States demonstrates that, “The death penalty can be seen, then, as a sort of seismograph reflecting the American experience in its full complexity.”⁷ Similarly, films track changes in culture as they tackle relevant or controversial issues facing the public at the time of

⁵ Frank R. Baumgartner, Suzanna L. De Boef, and Amber E. Boydston, *The Decline of the Death Penalty and the Discover of Innocence*, (New York: I.B. Cambridge University Press, 2008) 255.

⁶ Yvonne Kozlovsky-Golan, *The Death Penalty in American Cinema: Criminality and Retribution in Hollywood Film* (New York: I.B. Tauris & Co Ltd, 2014) 104-105.

⁷ *Ibid.*, 105.

release. In this chapter, I analyze three popular films that attracted attention to the controversial use of capital punishment and encouraged audiences to look at the issue in new ways. Each film highlights problematic aspects of the capital punishment system, which I discuss and relate to timely policy changes. If we look at the relationship between the release of certain films and public opinion on capital punishment, we can see an interesting correlation that indicates that film played a role in influencing the public.

The first film I analyze is *Dead Man Walking*. This film was released in 1995 when the number of executions had reached a record high since the death penalty was reinstated in 1976.⁸ In addition to this spike in executions, public support for capital punishment was growing. *Dead Man Walking* neither condones nor condemns the death penalty but rather attempts to tell one man's story as unbiased as possible. This film is based on the book of the same name written by Sister Helen Prejean, who is played by Susan Sarandon in the movie. This film tells the story of Matthew Poncelet, portrayed by Sean Penn, who is convicted of rape and murder of a young couple in Louisiana and is sentenced to death by lethal injection. Poncelet's character is not based on one man's story but is rather inspired by several men creating a composite character. The film follows his attempt to appeal this conviction and his eventual acceptance of responsibility for what he has done. He embarks on this journey with Sister Helen Prejean, the nun who becomes his spiritual advisor before his execution. The film concludes with Poncelet asking forgiveness from the families of his victims before he is finally executed.

By the end of the film, the audience knows that Poncelet has committed the crimes for which he is convicted, but questions whether he should die because of it. Different interpretations

⁸ "Facts About the Death Penalty," Death Penalty Information Center, accessed December 11, 2018, <https://deathpenaltyinfo.org/executions-united-states>.

of the film support both answers to this question. Scenes that depict the grieving families of the victims oppose scenes of Poncelet with Prejean coming to terms with what he has done and expressing sincere remorse. Poncelet is also shown with his loving family whom he cares for deeply. This second set of scenes showing a humane side of Poncelet cast doubt on the common depiction of the remorseless, cold killer. This depiction relates to the psychological tactic of identification with characters to influence the audience. The greatest message this film sends is a reminder to the public that many of the men and women on death row are still people capable of remorse and repentance. In his discussion of *Dead Man Walking*, Austin Sarat notes, “Punishment...involves imagining the object of vengeance to be a responsible person who deserves whatever he gets, and, at the same time, a dangerous monster with whom we must deal.”⁹ It can be easy to imagine that death row inmates are emotionless monsters, but *Dead Man Walking* serves to paint a different picture.

The film does not disregard this monstrous image of death row inmates, but rather, it illustrates both sides of the debate. First, Poncelet is shown as a cocky man showing no responsibility for what he has done and no remorse at having murdered a young couple, but then he embarks on his spiritual transformation with Sister Prejean. The result of this transformation is a remorseful man who has accepted the responsibility for his crime and the punishment he must endure. From these juxtaposed images, *Dead Man Walking* allows its audience to draw their own conclusions on the morality of capital punishment. At the time of the film’s release, Entertainment Weekly reviewed it and awarded the film an A—its highest rating. The reviewer wrote, “*Dead Man Walking* says that to know a man — any man — completely is to recognize that he’s worthy of some love. And that the bureaucratic obscenity of the state’s taking a life is that it presumes to

⁹ Austin Sarat, *When the State Kills: Capital Punishment and the American Condition* (Princeton: Princeton University Press, 2001), 224.

kill what it does not know. That's a message to make the vengeful, as well as the liberal, stand in silent pause."¹⁰ This review highlighted the aspects of the film that urged the audience to at least identify and empathize with Poncelet before determining whether he should die. Additionally, the famous film critic, Roger Ebert, wrote, "[the film] move[s] the audience to a great emotional experience without unfair manipulation." This review again suggests that the film does not take a biased approach to telling Poncelet's story or comment on whether the death penalty is fair or not. Despite this fact, Ebert concludes that *Dead Man Walking* is, "worth talking about for a long time afterward," indicating that the film affected the audience even without making an obvious statement.¹¹ The director of the film, Tim Robbins, clarifies his intentions in an interview stating, "I wanted to open the door, you know. It's a very serious thing... we are doing, killing people, and if we can't look in that door and...see the specifics of what really happens...there's something wrong."¹² Robbins put it very simply, and his goal relates to the phenomenon of transportation. The audience enters the world of death row, which they might not otherwise see and without their typical defenses up the reality sinks in. Whether people condone or condemn the death penalty is up to them, but in making this decision, they need to see the consequences this punishment entails. It is easy to remain detached and condemn someone to die, but we also need to be able to step inside and see the reality of what these people go through.

Whether *Dead Man Walking* changed the minds of people who previously supported capital punishment or not, it did get people talking about the issue bringing it to the public's attention, which was exactly Sister Helen Prejean's intention. In an interview, when asked what

¹⁰ Owen Gleiberman, "Dead Man Walking," *Entertainment Weekly*, last modified January 19, 1996, <https://ew.com/article/1996/01/19/dead-man-walking/>.

¹¹ Roger Ebert, "Dead Man Walking," RogerEbert.com, last modified January 12, 2019, <https://www.rogerebert.com/reviews/dead-man-walking-1996>.

¹² "Tim Robbins Interview," PBS Frontline, accessed December 12, 2018, <https://www.pbs.org/wgbh/pages/frontline/angel/walking/timrobbins.html>.

impact she hoped the book and film would have, she responded, “One tremendous difference that the film is having is the way people are approaching it and the new possibilities we have now for debate and discussion on the death penalty that we've never had before.”¹³ An indication of this increased exposure is the frequency of news stories about capital punishment. The statistics included are from the *New York Times*. Articles from newspapers are a good indicator of the interest of the public because if the national population is demanding more information on the death penalty, then a paper such as the *Times* is going to satisfy this demand with increased coverage of the issue. The following chart tracks the number of stories on the topic of capital punishment from 1960 to 2005 in the *New York Times*.

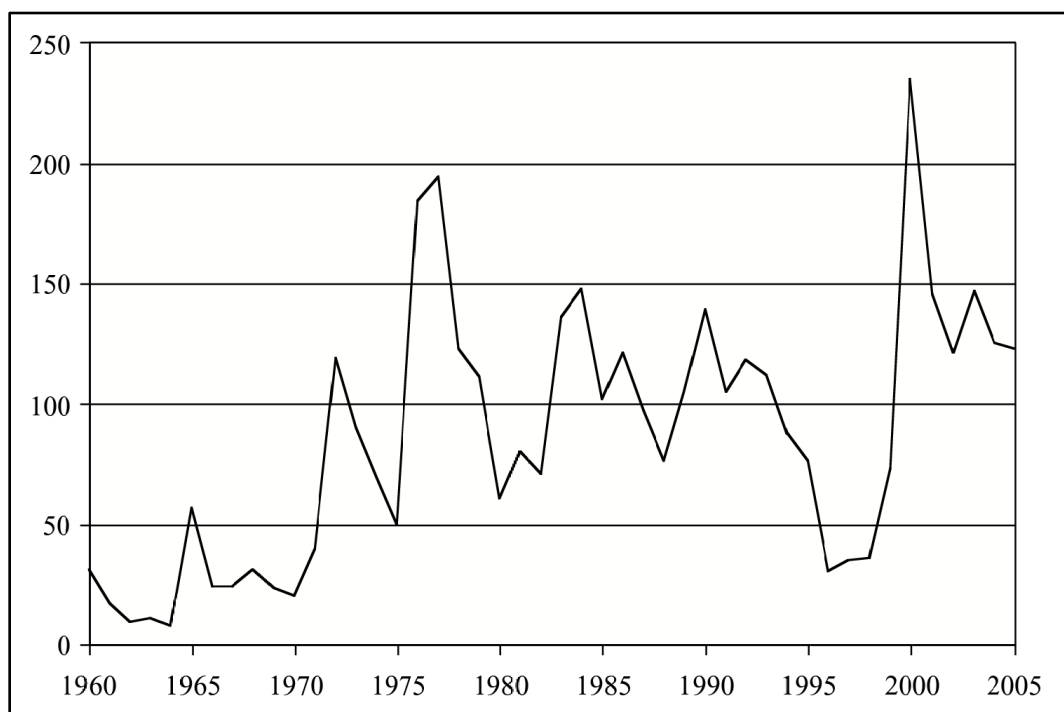


Figure 1: The Number of Stories on Capital Punishment in NYT¹⁴

¹³ “Angel on Death Row,” PBS Frontline, accessed January 4, 2019, <https://www.pbs.org/wgbh/pages/frontline/angel/interviews/hprejean.html>.

¹⁴ Baumgartner, *The Decline of the Death Penalty and the Discovery of Innocence*, 114.

In 1995, relatively few articles were published on capital punishment, but an exponential increase in coverage occurs in the following five years. It is also worth analyzing whether these articles were for or against capital punishment, since the first chart only cites the number of articles on the topic regardless of their stance. The next chart I include breaks down the numbers in the previous chart between pro- and anti-death penalty articles.

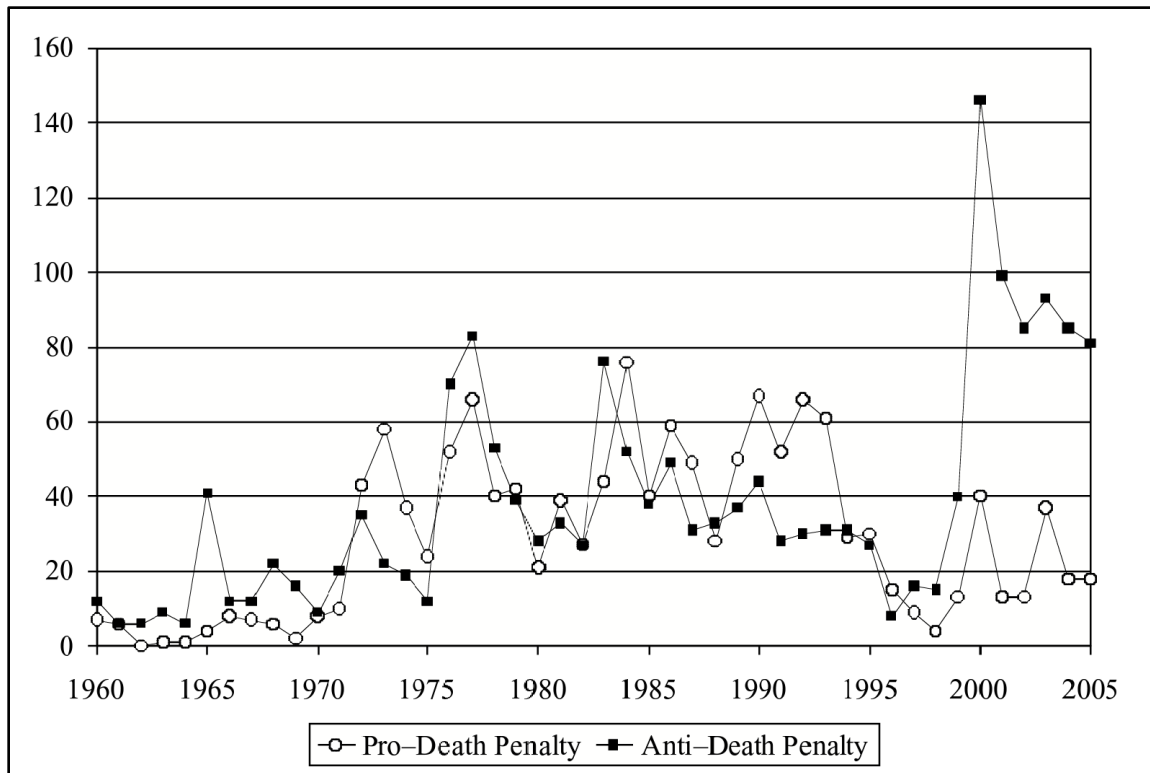


Figure 2: Pro- and Anti-Death Penalty in NYT¹⁵

This chart illustrates that for much of the modern era of the death penalty, the stories for and against the practice of capital punishment had been nearly equal until 1999-2000 when anti-death penalty articles surged to more than three times as frequent than pro-death penalty articles. This statistic suggests that public opinion was moving against capital punishment contributing to the

¹⁵ Baumgartner, *The Decline of the Death Penalty and the Discovery of Innocence*, 116.

popularity and success of the films about capital punishment around this time. The researchers who compiled these charts chose the *New York Times* not because it has a greater influence on the public but rather because it is a nationally distributed paper with a wider range of coverage. Other papers were analyzed to support this reasoning, and the data from the *Houston Chronicle*, *Boston Globe*, *Chicago Sun-Times* and several others showed the same trends in stories published about capital punishment and the increasingly anti-death penalty stance. These similarities between national and local papers indicates that concern for the increased executions was not isolated to select regions of the country.

The rates of executions slowed significantly in the years following *Dead Man Walking*'s release in 1995. The rate of executions peaked in 1999 and have declined significantly ever since. The peak in stories on capital punishment corresponds with the peak in executions, likely due to the increased concern of policymakers and the general public. Support for capital punishment appears to have peaked in 1994, which correlates with the peak in executions because as the shift in public opinion begins, it takes some time for its manifestation to result in fewer executions. The following charts from the Death Penalty Information Center website and Gallup News polls depict the historical rate of executions and corresponding public opinion as gathered from surveys.

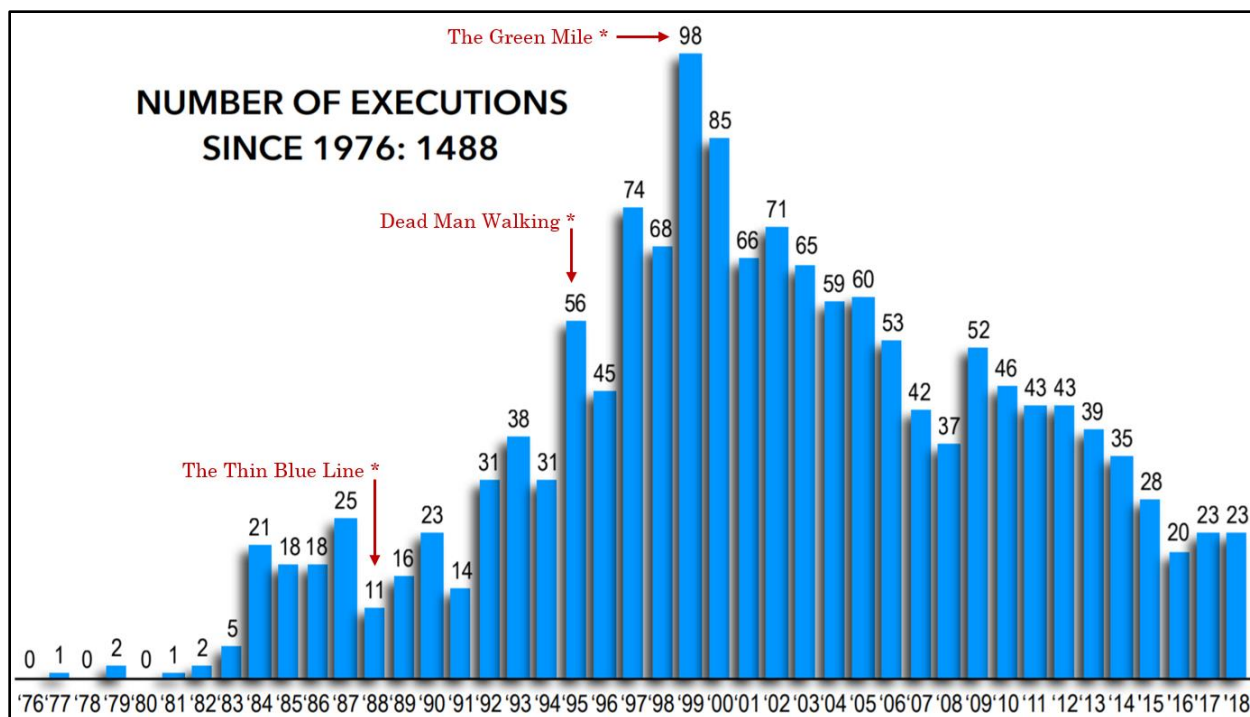


Figure 3: Number of Executions by year since 1976. ¹⁶

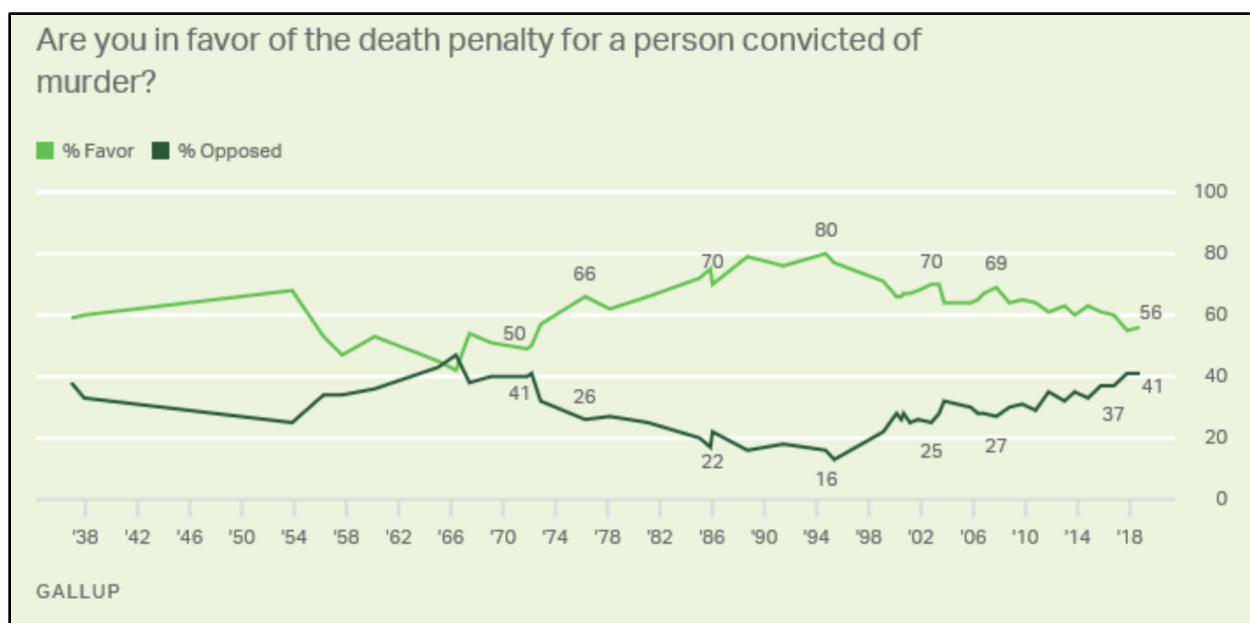


Figure 4: Public Opinion Polls on Support of Capital Punishment ¹⁷

¹⁶ “Facts About the Death Penalty”.

¹⁷ “Death Penalty,” Gallup News, accessed January 5, 2019, <https://news.gallup.com/poll/1606/death-penalty.aspx>.

Public opinion surveys are helpful in gauging the public's support on certain issues, but the methods of obtaining people's opinions are not infallible. The question posed in the Gallup News poll above might yield one set of results, but other polls phrased differently may yield entirely different results. For example, comparisons of these polls revealed that if the person polled is presented with the option of life without parole as an alternative to the death penalty, the results register an increase in those opposed to the death penalty.¹⁸ When people are polled about the death penalty, they often consider the questions in the abstract, but capital punishment is far from abstract. It is easy to be tough on crime and support increased use of the death penalty when you are not the one on a jury deciding whether or not to sentence someone to die. The films discussed in this chapter bring capital punishment out of the abstract and make it somewhat more tangible. Some of the visuals in these films may be hard to watch at times, but they accomplish something very important and necessary in removing the mystery surrounding the execution process.

Considering that death row inmates can appeal their punishment or have their sentence lessened to life without parole, how can we be sure that the decline in executions is a result of shifting public opinion and not a result of successful appeals or other bureaucratic obstacles to the execution process. The following chart depicts the number of people who were sentenced to death each year, but who may or may not have ever reached the execution chamber.

¹⁸ Baumgartner, *The Decline of the Death Penalty and the Discovery of Innocence*, 46.

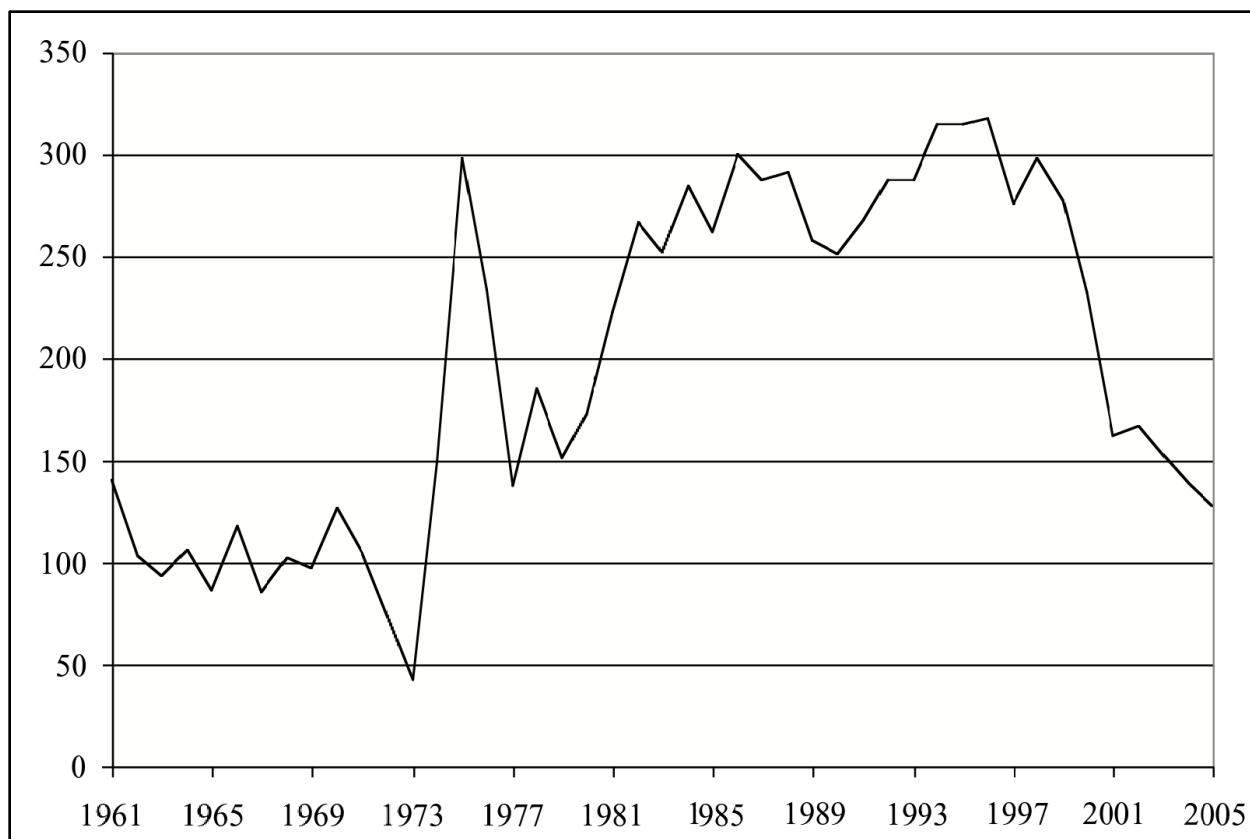


Figure 5: Annual Death Sentences¹⁹

As illustrated in the above figure, not only did executions decline after 1999, but death sentences did as well. This decline in sentencing indicates that juries were increasingly less likely to prescribe the death penalty: another indicator of shifting public opinion.

This shift in public perception is evident in several major actions taken by the U.S. Supreme Court, state legislatures, and other influential organizations. First, the American Bar Association (ABA) called for a moratorium on executions in 1997 until the states could ensure that cases were tried fairly to minimize the risk of executing innocent people. This initiative later became the Death Penalty Due Process Review Project whose purpose is to ensure continued fairness in capital punishment cases. The former ABA President John J. Curtain Jr. commented on the project saying,

¹⁹ Baumgartner, *The Decline of the Death Penalty and the Discovery of Innocence*, 202.

“A system that will take a life must first give justice.”²⁰ A common misconception in society is that the legal system is infallible, but mistakes happen and details may be overlooked that could cause irreversible consequences when the death penalty is involved. As evidenced in the chart above, executions did not slow until three years after the warning when they peaked in 1999. The next action that contributed to this decline occurred the following year when Illinois governor George Ryan declared a moratorium on executions in response to excessive evidence that innocent people had been wrongfully executed in recent years. Next, in 2002, the U.S. Supreme Court ruled in *Atkins v. Virginia* that it was “cruel and unusual punishment” to execute mentally retarded defendants.²¹ That same year, the verdict in *Ring v. Arizona* held that juries rather than judges must decide whether a case merits the death penalty.²² Then, in 2005, the Supreme Court ruled that it was henceforth illegal to issue the death penalty to minors in *Roper v. Simmons*.²³ These three decisions were critical in limiting the use of the death penalty because two decisions reduced the number of potential defendants who could receive this punishment while the other decision made it arguably more difficult to sentence anyone to the death penalty. More deliberation and debate would likely be required if twelve jurors had to make a unanimous decision to sentence someone rather than a single judge making the decision. Finally, in 2004, the New York Supreme Court ruled that the death penalty was unconstitutional.²⁴ In the years since these events, several more states have suspended the death penalty or declared it unconstitutional contributing to the persistent decline in executions each year, but capital punishment is still legal and practiced in many states.

²⁰ “Death Penalty Due Process Review Project,” American Bar Association, accessed January 4, 2019, https://www.americanbar.org/groups/crsj/projects/death_penalty_due_process_review_project/.

²¹ “*Atkins v. Virginia*,” FindLaw, accessed January 4, 2019, <https://caselaw.findlaw.com/us-supreme-court/536/304.html>.

²² “*Ring v. Arizona*,” FindLaw, accessed January 4, 2019, <https://caselaw.findlaw.com/us-supreme-court/536/584.html>.

²³ Baumgartner, *The Decline of the Death Penalty and the Discovery of Innocence*, 91.

²⁴ William Glaberson, “4-3 Ruling Effectively Halts Death Penalty in New York,” last modified June 25, 2004, <https://www.nytimes.com/2004/06/25/nyregion/4-3-ruling-effectively-halts-death-penalty-in-new-york.html>.

The following chart tracks the number of states that have abolished the death penalty, established a moratorium, or have not executed anyone since 2012.

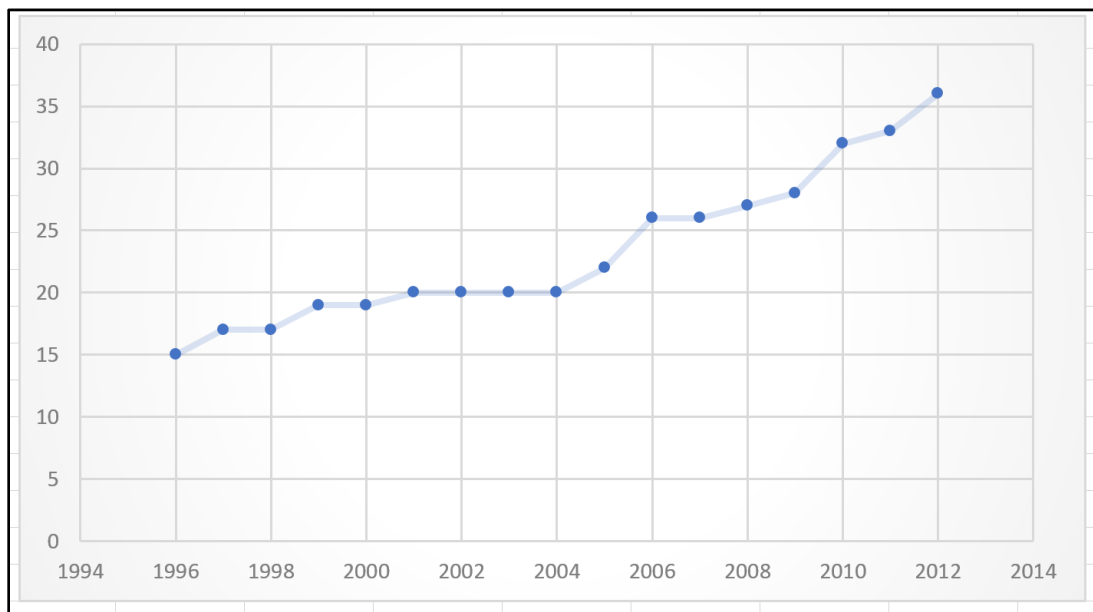


Figure 6: States that no longer Practice the Death Penalty²⁵

Only twenty states have formally abolished the death penalty but as evidenced in these statistics, thirty-six states have either placed a gubernatorial moratorium on executions or have chosen not to execute anyone in recent history. Most policymakers do not advocate as publicly for the abolition of the death penalty because they cannot appear to be soft on crime. In contrast, filmmakers are not inhibited by worries of reelection and can advocate for abolition if they want.

The films from this pivotal era, highlight three key issues with the legal system that raise doubts about the fairness of the death penalty: poor representation for underprivileged defendants, overzealous prosecution, and overturned sentences. *Dead Man Walking* specifically illustrates how under privileged defendants find themselves facing harsher punishments due to their lack of

²⁵ “Jurisdictions with no recent executions,” Death Penalty Information Center, last modified November 10, 2018, <https://deathpenaltyinfo.org/jurisdictions-no-recent-executions>.

adequate legal counsel. The lawyer arguing Poncelet's appeal explains this disadvantage to the jury: "You're not gonna find many rich people on death row. Matthew Poncelet is here today because he's poor. Didn't have money so he had to take what the state gave him. He got a tax lawyer who'd never tried a capital case before."²⁶ Poncelet did not receive adequate representation in such a high stakes case, and as a result, he was sentenced to death. Another man helped Poncelet commit the crimes he is convicted of, but this accomplice could afford a better lawyer and thus avoided the death penalty. Two people charged with the same crime, but only one will die for it. This situation is not uncommon and many real defendants without the means to pay for their own lawyer find themselves facing the death penalty for a crime that does not merit such a harsh punishment.

Excessively severe punishments also result from overzealous prosecutors who seek convictions despite glaring holes in the case. Errol Morris points out this issue in his semi-documentary film, *The Thin Blue Line*, which tells the true story of the wrongful conviction of Randall Adams. The film comprises several interviews with Adams, David Harris, lawyers, detectives, the judge that presided over the case, and witnesses for the prosecution. Adams was a Northerner traveling in a southern town when he ran out of gas and was picked up by a young man from the area, David Harris. The pair spent a short time together before parting ways. Soon after, a local policeman, Officer Robert Wood, pulled Harris over because the car he was driving had been reported stolen. At this time, Harris shot and killed Officer Wood. Nothing linked Adams to the murder other than his brief acquaintance with Harris, but Harris testified that it was Adams who killed the policeman. The investigators took him at his word because he was a local and a minor whom they trusted. As a result, the investigation and trial focused solely on Adams despite

²⁶ Tim Robbins, *Dead Man Walking*, (1995; United States: PolyGram Filmed Entertainment and Working Title Films).

the fact that Harris had committed other crimes recently including stealing the car he was driving the night of the murder. In the film, Morris interviews one of the detectives who led the investigation, and he reveals his opinion of the true motivation behind the district attorney's pursuing Adams as the perpetrator in this crime:

I tried to introduce the crime spree theory. The theory that David Harris was on this series of crimes both before and after the killing of the policeman. That he would be the person who had the heart filled with malice most apt to commit a murder. But the judge would not allow me to introduce any of those crimes. They'd had a 28-year-old man. The only alternative would be prosecuting a 16-year-old that could not be given the death penalty under Texas law where our 28-year-old man could. That's always been the predominant motive, in my opinion for having a death penalty case against Randall Adams. Not that they had him so dead to rights. But just that he was a convenient age.²⁷

Randall Adams was on death row for twelve years before Morris's film helped exonerate him, and he was only there because he was the right age to fit the punishment the prosecution wanted. Often when a crime gets more attention, the district attorney feels pressure to convict someone and enforce a harsh punishment. Since this crime involved the murder of a police officer, the community and the police force demanded that someone be held accountable. The out-of-towner whose alibi could not be confirmed was the ideal culprit. Morris's film concludes with an admittance of guilt by David Harris in his recorded interview. Texas strongly supports the death penalty with executions in Texas alone accounting for one-third of all executions since 1976.²⁸ This statistic coupled with the statements from the detective in Adams's case indicate a pervading sentiment, at least in Texas, that the harsher the punishment, the more effective the law enforcement. In reality, the connection between these factors is more tenuous than one might think.

Scholars study the link between rate of executions and the rate of crime to determine if the death penalty is having the desired effect (i.e. decreasing crime). What these studies show is

²⁷ Errol Morris, *The Thin Blue Line*, (1988; United States: Miramax Films and Umbrella Entertainment).

²⁸ Kozlovsky-Golan, *The Death Penalty in American Cinema*, 111.

that very little evidence exists to prove that the death penalty deters violent crime, but some data from these studies supports the claim that states without capital punishment have lower homicide rates. According to the data, “states with capital punishment had homicide rates 48 to 101 percent higher than states without capital punishment.”²⁹ Additionally, in 1995, the year *Dead Man Walking* was released, Peter Hart Research Associates conducted a national study that polled police chiefs to determine what factor was most important when trying to reduce crime in their area. The results are summarized in the chart below.

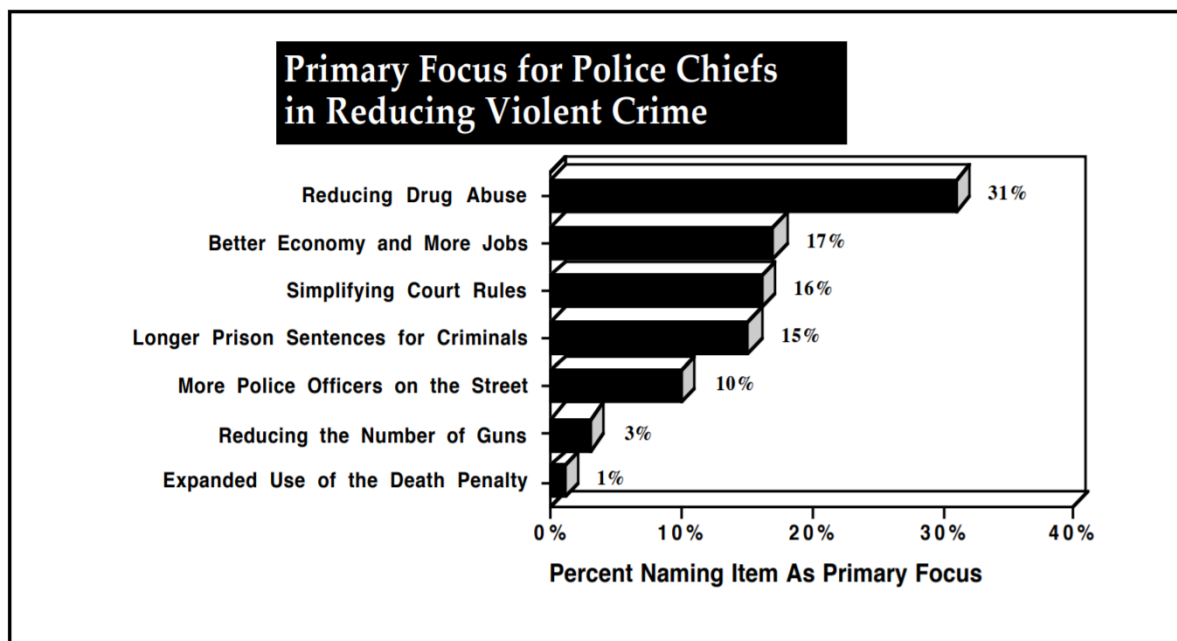


Figure 7: Primary Focus for Police Chiefs in Reducing Violent Crime³⁰

As evidenced in this national survey, expanding the use of the death penalty is a far more minor concern for police chiefs in reducing violent crime than other factors. Politicians and prosecutors should recognize that asking for the death penalty in very public cases does little to deter future

²⁹ Kozlovsky-Golan, *The Death Penalty in American Cinema*, 108.

³⁰ “The Death Penalty in 1995: Year End Report,” Death Penalty Information Center, accessed December 11, 2018, <https://deathpenaltyinfo.org/documents/1995YrEndRpt.pdf>.

crime in their districts. According to a 1985 national poll, a majority of Americans once believed that the use of the death penalty deterred further crime, but this statistic consistently declined until it is was only thirty-two percent of people in 2011.³¹ In the case of Randall Adams, had the death penalty not been an option, perhaps the prosecution would have been more inclined to investigate David Harris further. David Harris eventually murdered another man, for which he was convicted under the death penalty. Had he been held accountable for his previous crime, perhaps a life could have been spared. Furthermore, Adams' death penalty conviction for the crime Harris committed did nothing to stop Harris from committing another heinous crime.

Clearly, in Adams' case, the wrong man was about to die for a crime he did not commit. This wrongful conviction begs the question: how many people have died or been on death row that did not deserve to be there? The full weight of executing an innocent man is especially illustrated in *The Green Mile*. Released in 1999, at the peak of executions in the United States, *The Green Mile* tells the story of John Coffey, a large black man accused of raping and murdering two young girls. Coffey arrives on death row and meets the handful of prison guards that man the block of prison cells, or the green mile as they call it. Paul Edgecomb, portrayed by Tom Hanks, is the primary prison guard with whom Coffey interacts. Another important character is the new prison guard, Percy Wetmore, who is depicted as a villain who torments the prisoners for his own pleasure. Throughout the film, Edgecomb realizes that Coffey does not have the demeanor of a murderer and rapist and witnesses as Coffey completes several miracles to the amazement of him and his fellow prison guards. At the conclusion of the film, the audience learns that Coffey did not kill the young girls but rather another death row prisoner, Wild Bill, did. Nonetheless, Coffey completes his sentence and dies by electric chair.

³¹ "Death Penalty."

This film accomplishes something similar to Tim Robbins's goal in *Dead Man Walking*. It gives its audience a peak behind the curtain at the innerworkings of executions. *The Green Mile* focuses on the electric chair, which was the primary method of execution in the 1930s, rather than lethal injection. The audience watches three executions over the course of the three-hour film. The first two men executed are guilty. This fact is not questioned in the movie, but each man demonstrates some redeeming qualities encouraging the audience to relate to their human qualities. The first prisoner, Arlen Bitterbuck, is very soft-spoken and asks Edgecomb the night before he dies, "You think if a man sincerely repents for what he has done wrong, he might get to go back to the time that was happiest for him and live there forever? Could that be what heaven is like?"³² The audience does not learn much more about Bitterbuck, but this desperate question in the hours before his execution elicits some sympathy and suggest that he is sincerely repentant. The next prisoner to be executed is Eduard Delacroix, or Del. The audience learns more about Del and watches as he bonds with and trains a pet mouse, whom he names Mr. Jingles, and playfully jokes with the guards. Del's love for Mr. Jingles is so innocent, it is jarring when we are reminded that he must die by electric chair. His final words before his death are, "I sorry for what I do. I give anything to take it back, but I can't. God have mercy on me."³³ This remorse and religious appeal give the audience pause and perhaps inspire them to reconsider whether Del deserves to die.

Del's execution not only poses these moral dilemmas but it also demonstrates the horrible suffering that can result from a small mistake in the execution procedure. Before Del is set to die, Edgecomb gives Wetmore the responsibility of being "out front," or where he gets to prepare the prisoner to be electrocuted. The duties assigned to this role include wetting the sponge to be placed on the prisoner's head so that the electricity goes directly to the brain ensuring the least amount of

³² Frank Darabont, *The Green Mile*, 1999; Story by Stephen King, United States, Warner Bros. Entertainment Inc.

³³ Ibid.

pain possible. The audience watches as Wetmore moves the sponge in the bucket but decides not to wet it fully knowing the consequences of this action. Once Del is prepared for his execution, another guard flips the switch and electricity begins to flow. It becomes clear very quickly that something is wrong, and Edgecomb realizes that the sponge is dry. Members of the audience begin to comment on the smell and cringe as Del flails in pain. This horrible scene escalates as Del's body catches on fire and the audience flees for the door. Even Wetmore has to turn away, but they still cannot turn off the electricity because through all this horror, Del is still alive. When Del finally goes limp, they turn off the electricity.

This disturbing scene is hard to watch but it shows how one small mistake in the execution process can cause great suffering. The actions of the witnesses at the execution also introduce an interesting layer of hypocrisy to the issue. During the first execution, the witnesses sit transfixed until Arlen Bitterbuck is finally electrocuted to death, but in the case of Del's execution, they are faced with a much more graphic version of the same event, and it causes them to flee the room in panic. While these two execution scenes look very different, the same thing is happening: a man is being electrocuted to death. Is there nothing offensive about the first execution? If every witness saw Del's execution and knew what horrors electrocution entailed that might be hidden from plain sight in a normal execution, they would likely have reacted in a similar way. In order to avoid such painful knowledge, most people agree that the more humane methods of killing people are preferred, which is why the United States has ceased the use of the electric chair and focuses more on the use of lethal injection, as depicted in *Dead Man Walking*. While lethal injection may seem like a more humane way to die, this method has a higher botched execution rate than any other method.³⁴ Issues that can cause greater suffering in lethal injection

³⁴ "Botched Executions" Death Penalty Information Center, accessed January 12, 2019, <https://deathpenaltyinfo.org/some-examples-post-furman-botched-executions>.

executions include a kink in the tubing, inserting the IV in the wrong direction, and excessively tight restraints on the prisoner.³⁵ Although, *The Green Mile* may depict a method of execution that is no longer in use, botched executions are a recurring problem and can lead to executions that are equally as disturbing as the situation witnessed in the film. To ensure the greatest impact on the audience, the director, Frank Darabont, focused on perfecting every detail of the execution to make the scene historically accurate. Detail and accuracy are essential if the director of a film hopes to transport his audience into the world he has created. Often, shock value can leave a lasting effect on the viewer, and I believe this execution scene did just that. Executions are not always as minimally painful as advertised. Del's execution also established Wetmore as a villain in the movie, yet he is the prison guard that must be respected and obeyed.

John Coffey is characterized as a moral person who can invariably distinguish between good and evil because he can see into people's souls when they touch him, yet he condemns Wetmore, the prison guard while showing compassion to the murderer on death row, Del. This distinction shows that although Del committed a horrible crime that landed him on death row, he is still a kinder person at heart than Wetmore, who gets pleasure from verbally abusing prisoners and knowingly caused Del to suffer a most painful death. This juxtaposition reveals that our justice system is not perfect. Morality is not black and white. Del did something horrible but this act does not define the rest of his life. Wetmore is a trustworthy prison guard but has a heart full of malice and tortures men. This film illustrates that we cannot always know who most deserves to die.

For inmates who are not on death row, they can be potentially exonerated and released before they complete their sentence, but in contrast, if they are set to die, liberating evidence may come too late. After the peak in executions, James Liebman released the findings of a study he

³⁵ "Botched Executions."

conducted at Columbia University Law School in 2000 that attempted to assess thousands of death penalty appeals, and the results were astounding. Two-thirds of the 4,578 appeals they looked at were later overturned by the Supreme Court being either replaced with a lighter punishment or, in some cases, a full acquittal.³⁶ Liebman called the American capital punishment system “broken” in his report, for, “the vast majorities of cases ending in a death sentence were beset by such serious errors that new legal procedures has to be initiated.”³⁷ This study demonstrated, again, that our legal system is far from perfect, and mistakes made by lawyers should not cost someone their life. Often, the attorney on the case is underqualified as he or she is court-appointed and does not possess the necessary skills to adeptly try a capital case. DNA technology became a crucial development that cleared many people of crimes for which they were wrongfully accused. The first death row inmate to be exonerated based on DNA evidence was in 1993, after which the public expressed increased concern at the possibility of executing innocent people.³⁸ Innocents projects are now widespread in the United States and take on several cases a year at the request of people who believe they or a loved one have been wrongfully incarcerated. The people involved with these Innocents projects have played a major role in opening old cases based on new DNA evidence. These efforts are extremely important, especially for the people that can still benefit from them, but some inmates faced their execution before new evidence could be evaluated.

These increased safeguards against executing innocent individuals are extremely important, but this concern may not be the driving factor in whether people favor or oppose the death penalty. Rather, the primary explanation for the need for capital punishment is retribution and selecting a punishment that fits the crime. The justification for capital punishment that had the

³⁶ Kozlovsky-Golan, *The Death Penalty in American Cinema*, 124-125.

³⁷ *Ibid.*, 125.

³⁸ Baumgartner, *The Decline of the Death Penalty and the Discovery of Innocence*, 71.

least support from those surveyed was providing relief and closure for the families of the victims,³⁹ which *Dead Man Walking* showcased as one of the more compelling reasons to support Poncelet's execution. The scenes between Sister Prejean and the victim's families are heart wrenching, and Poncelet's death seems to be the only thing that would give them any small comfort. Why does public opinion indicate that this emotional response has a far lesser effect in reality than it did in the film? I think this idea of vengeance is much more prevalent among the American public, for when people hear about the death penalty and the instances in recent history when it has been used, they imagine the defendant as a merciless animal who deserves to die because he or she took a life. It is hard to believe that a person who has committed a terrible crime has any redeeming qualities or is capable of remorse. Poncelet's final words before his execution question this idea of vengeance as justification for the death penalty. He says, "I think killing is wrong no matter who does it, me, y'all, or your government."⁴⁰ This statement not only shows that Poncelet has taken responsibility for his crime and recognizes that it was wrong, but he essentially puts the government's actions on par with his own. Consider an alternate situation in which the bereaved father, Mr. Percy, took the law into his own hands and killed Poncelet. This killing would be out of vengeance because Poncelet deserved to die after taking a life, but Mr. Percy would be charged with first degree murder and likely sentenced to life in prison. How is this situation different than the execution of Poncelet by the state? Poncelet's final words force the audience to consider this double standard and whether capital punishment is anything more than a legal loophole to legitimize murder.

I argue that the depiction of a complex criminal is why *Dead Man Walking* had a greater impact on public opinion than the other films discussed. Both *The Thin Blue Line* and *The Green*

³⁹ "Death Penalty."

⁴⁰ Robbins, *Dead Man Walking*.

Mile deal with subjects who are wrongfully accused. When surveyed, the majority of Americans agree with the statement that at least one person has been executed in the past five years who was, in fact, innocent.⁴¹ Additionally, sixty-five percent of the people surveyed agree that poor people are more likely to receive the death penalty than people with average or above average income, yet even conceding both of these facts, the majority (51 percent) still support capital punishment in 2018.⁴² This statistic suggests that although innocent people are executed and underprivileged defendants are more likely to die for a crime, these issues are not significant enough that either justifies ending the use of the death penalty. In contrast to both movies mentioned above, *Dead Man Walking* depicts a man who is guilty. He raped a girl and then murdered a young couple. This fact is toyed with throughout the film and finally revealed at the end. *Dead Man Walking* does not earn the audience's sympathy through their indignation at an innocent man being executed. Instead, it shows a complex man who committed a horrible crime and comes to terms with his guilt. After witnessing his spiritual journey with Sister Prejean, the audience is undeniably more conflicted about his execution. To an extent, the audience has been transported into the mind of Poncelet, witnessing his memories from the night of the murder while also watching his spiritual transformation. This film forces its viewers to wonder whether it would make a difference if they could see into the lives of other death row inmates.

The audience's primary way to see into the lives of these condemned men is through a "cinematic buddy," or the man or woman who comes to know the accused and recognizes their humanity. The "cinematic buddy" is critical to the development of the storyline because, "the truest connection between the condemned and those who have come to know his character is expressed

⁴¹ "Death Penalty."

⁴² "National Polls and Studies," Death Penalty Information Center, accessed January 5, 2019, <https://deathpenaltyinfo.org/national-polls-and-studies>.

in what they see” (240-1).⁴³ In *Dead Man Walking* and *The Green Mile* these cinematic buddies, Sister Helen Prejean and Paul Edgecomb, are seen sympathizing with the condemned. They know the accused best and are trusted to make accurate assessments of these people’s character. Furthermore, *The Green Mile* offers the audience a more relatable character in Paul Edgecomb. He is a working-class man with a wife and child who has encountered many death row inmates at his job, yet he still finds it in his heart to treat these men with respect and compassion. This compassion is evidenced when he tells Wetmore, “Our job is talking, not yelling. You’ll do better to think of this place like an intensive care ward in a hospital.”⁴⁴ Clearly, in his position, Edgecomb has found that these men are more than just animals and they deserve fair treatment. His journey in accepting these accused men as capable of redemption might have a greater effect on audiences than Sister Prejean’s journey to understanding, for she is a Catholic nun who has devoted her life to serving God and showing love and forgiveness to others. The average audience members likely acknowledge that Sister Prejean is capable of more forgiveness and understanding than themselves, but Edgecomb, on the other hand, is far easier to identify with. It is this identification with Edgecomb that makes his acceptance of these death row inmates impactful.

The films discussed in this chapter encompass several key concerns regarding the death penalty, but they never take a blatant stance on support for capital punishment. In *Dead Man Walking*, it is up to the audience to make up their own mind about what Matthew Poncelet deserves. Even in *The Thin Blue Line*, whose message was so strong it exonerated an individual from death row, never outright rejected the idea of capital punishment. In contrast, rather, it laid out the facts and let them speak for themselves. As one reviewer for the *Washington Post* wrote, “‘Thin Blue

⁴³ Roberta M. Harding, “Celluloid Death: Cinematic Depictions of Capital Punishment” (1996), *Law Faculty Scholarly Articles*, 563, https://uknowledge.uky.edu/law_facpub/563.

⁴⁴ Darabont, *The Green Mile*.

Line' is a sideshow of human foibles, exposing the shady backroom deals, unreliable testimony and courtroom players that characterized this case."⁴⁵ Perhaps this similarity between these two films accounts for some of their success, popularity, and impact. When a film borders on preachy, it can have a polarizing effect on the audience and reach fewer people as a result. Taking a neutral stance gives films more power in what they can convey. Among the films I have discussed, each exhibits a varying degree of neutrality. *The Thin Blue Line* is a documentary-style film only consisting of interviews with relevant people to the case, and thus gives the audience the assurance that what they are seeing is unbiased. Documentary filmmakers can use other tactics to influence their audience, but for the most part, the audience believes that the director is, "simply a vessel through which the information passes to the receptor."⁴⁶ This trust viewers place in the accuracy of documentaries can render the message such films try to convey more effective because the viewer does not doubt the verity of the information and thus, is less likely to counterargue the film's claims. *Dead Man Walking* is less neutral, for it is based on Sister Prejean's book, but the book describes a character who is a composite of men she met during her time helping death row inmates. Therefore, the story of Matthew Poncelet and his exact interactions with Sister Prejean are fictionalized somewhat, but the knowledge that Sister Prejean spent time with the men on death row and the combined all her experience into a cohesive story allow the viewer to trust the source material more than an entirely fictional account. Finally, *The Green Mile* is a fictional story written by Stephen King including supernatural occurrences that render it even more unrealistic. In contrast to this fantastical storyline, the scenes of execution are meticulously researched and staged to transport the audience into a 1930s execution chamber. Neutrality can have a substantial effect

⁴⁵ Desson Howe, "The Thin Blue Line," *The Washington Post*, last modified September 2, 1988, https://www.washingtonpost.com/wp-srv/style/longterm/movies/videos/thethinbluelinenrhowe_a0b1bb.htm?noredirect=on.

⁴⁶ Harding, "Celluloid Death: Cinematic Depictions of Capital Punishment."

in earning the audience's trust before conveying the message of the film, but films must draw audiences in to the theaters using other methods.

Another suggestion for the general appeal of the later era of films including *Dead Man Walking* and *The Green Mile* is the casting of well-known stars including Sean Penn, Susan Sarandon, and Tom Hanks in leading roles and inclusion of original music by Bruce Springsteen and Neil Young. These big names garnered publicity for the films, which attracted larger audiences than lower-budget films would have. Furthermore, both films were released by major studios: Universal Studios and Warner Bros. Data from the last twenty years indicates that films released by the six largest studios, including Universal and Warner Bros, sold significantly more tickets at the box office than films from smaller studios. From 1996 to 2000, more people went to the movies and would have been exposed to the ideas in these films. Movie ticket sales steadily increased until 2002 and ever since they have been declining. This decline is likely a result of Netflix and other streaming platforms dominating the entertainment industry, today. Additionally, tickets to the movies in 1990s were much less expensive (\$4.50 to \$5.00) making it easier for people of varying backgrounds to attend. Both movies were also released around the holidays in an attempt to attract award season buzz, but this release date also attracted large audience of people taking vacation from school or work who had more time to go see a movie. Box office totals for *Dead Man Walking* and *The Green Mile* were \$39 million⁴⁷ and \$136 million,⁴⁸ respectively. Additionally, both films garnered a lot of attention for awards including eight Academy Award nominations between the two, and one win for *Dead Man Walking* for Susan Sarandon as best leading actress. In her acceptance speech, Sarandon thanks Sister Helen Prejean and concludes with the encouraging

⁴⁷ "Dead Man Walking." Box Office Mojo. Last accessed April 29, 2019.
<https://www.boxofficemojo.com/movies/?id=deadmanwalking.htm>.

⁴⁸ "The Green Mile." Box Office Mojo. Last accessed April 29, 2019.
<https://www.boxofficemojo.com/movies/?id=greenmile.htm>.

words, “May all of us find in our hearts and in our homes and in our world a way to non-violently end violence and heal” referring to showing mercy to people on death row.⁴⁹ Not only were more people seeing movies, but polling shows that young people make up the largest percentage of the movie-going population. This statistic furthers my claim that films not only reflect the changing opinions of the time but they have the potential to influence the opinion as well. The younger generation is often responsible for cultural change as they are more receptive to new ideas than the older generation who were raised with more conservative values and have lived by these values for most of their lives. If the youth are the leaders of tomorrow, then it is no surprise that public opinion is shifting in the way of the ideas they were exposed to.

The Thin Blue Line became the top-selling documentary style film of all time. Typically, documentaries open in a few small theaters and quickly release on DVD, but this one was far more successful. Many people claim that *The Thin Blue Line* also started the genre of true crime, which has gained significant popularity in recent years and might indicate Americans’ desire to get more involved even if it is in a third-party manner. This trend of true crime documentary style works resembling Errol Morris’ work continues today with popular series such as *Making a Murderer* (2015), *The Jinx* (2015), and *The Staircase* (2018). This trend exemplifies how film can have a greater effect than brief entertainment on the part of the viewer. In some cases, these films and series can cause such a shift in public opinion that they affect real change whether it be on one man’s innocence or on a larger issue like capital punishment. Errol Morris stated in an interview, “I was very much an activist in *The Thin Blue Line*. I was in no way indifferent to Randall Adams’s situation, his mistaken conviction in the murder of Dallas police officer Robert Wood. I believe

⁴⁹ “Susan Sarandon Winning Best Actress,” YouTube, accessed December 12, 2018, <https://www.youtube.com/watch?v=JeQdwQLwYUU>.

there was a terrible miscarriage of justice.”⁵⁰ Today, creative outlets such as film and television offer directors the opportunity to become activists by using their popularity to educate the public and to urge them to call on lawmakers to address these issues. This dynamic works because the audience wants to be activists too. They have been incited to take action and do so in any way they can. In the past, this action has included online petitions garnering over 350,000 signatures and protests incarceration or death of an innocent individual.

The popular films of any era typically reflect public opinion at the time and can be useful when gauging public sentiment on relevant social issues. The three films mentioned in this chapter both serve to illustrate America’s growing wariness of capital punishment and its many effects. Executions began declining at the end of the twentieth century, and these films likely had some part in raising the issue and getting people to reevaluate the capital punishment system.

⁵⁰ “Interview with the Believer,” Errol Morris, last modified April 2004, <https://www.errolmorris.com/content/interview/believer0404.html>.

III. HIV/AIDS

The popular history in the United States of what came to be known as AIDS began in 1981. Many people who did not live during this time find this fact hard to believe. Knowledge of this disease is something they have grown up with and it seemed, like the flu, to be something that had always been around. And perhaps it has, but it only became an epidemic in the United States in 1981. This unknown disease arrived and evoked widespread fear. It was a death sentence. No one knew how it was transmitted. It mostly affected gay men. These thoughts were on everyone's mind as news of the "gay plague" spread. Every new piece of information only evoked more questions and fear, for how can we defeat something we do not understand? With this fear came discrimination and injustice that further added to the pain people with the disease were already experiencing. The most promising solution to this discrimination lies in educating the public on the disease, which was partially accomplished using two very effective mediums, television and film.

June 5, 1981, marks the first occasion that a scientific publication mentioned Acquired Immunodeficiency Syndrome (AIDS). The Center for Disease Control (CDC) published an article in *Morbidity and Mortality Weekly Report* detailing the unusual cases of five gay men in Los Angeles who suffered from a rare form of pneumonia called *Pneumocystis carinii* pneumonia (PCP).⁵¹ This infection along with several other rare infections indicated to doctors that they were a result of a severely weakened immune system. The same day this article was published, a dermatologist in New York called the CDC to report several cases of a particularly aggressive cancer called Kaposi's sarcoma (KS) in gay men.⁵² This cancer is extremely rare and would only

⁵¹ "A Timeline of HIV and AIDS," HIV.gov, accessed January 14, 2019, <https://www.hiv.gov/hiv-basics/overview/history/hiv-and-aids-timeline>.

⁵² Ibid.

affect someone with a weakened immune system. A common symptom of KS are purplish lesions on the skin. These lesions became a telling sign that someone had AIDS. After the publication of this article, doctors from around the nation began reporting cases of these rare infections and weakened immune systems to the CDC. By the end of 1981, 337 people had been diagnosed; 130 of them were dead by the end of the year.⁵³

The average American does not read *Morbidity and Mortality Weekly Report (MMWR)*, but the first mention of the disease in the *New York Times* appeared May 11, 1982, and was referred to as GRID (Gay-Related Immune Deficiency), which served to further the assumption that the disease only affected gay men.⁵⁴ Then on May 31, *The Los Angeles Times* publishes the first front-page story in the mainstream press with the headline, “Mysterious Fever Now an Epidemic.”⁵⁵ By 1983, AIDS had been observed in hemophiliacs, women, and infants, and another CDC article in *MMWR* speculated that the disease is transmitted through sexual contact and exposure to blood. At this point, the government had yet to provide any funding for AIDS relief and research. On May 18, 1983, the first bill providing such funding passes, allotting \$12 million for agencies governed by the U.S. Department of Health and Human Services. The next monetary allocation would come in 1985 with \$190 million for AIDS research.⁵⁶ In September 1983, the CDC published an article ruling out certain methods of transmission including casual contact, food, water, air, and environmental surfaces, but a *Los Angeles Times* poll conducted at the end of the year revealed that the majority of Americans still supported quarantining people with AIDS.⁵⁷ This

⁵³ “A Timeline of HIV and AIDS.”

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

poll shows that although the CDC was learning more about AIDS, the general public did not fully understand these new findings and fear was blocking rational thought.

On November 11, 1985, the first feature length movie to address the AIDS epidemic, *An Early Frost*, aired on NBC. The film addressed not only the disease but also the homophobia surrounding it and the strains it placed on relationships with family, friends, and lovers. *An Early Frost* tells the story of Michael Pierson, a successful lawyer in Chicago, who, after collapsing at his office and going to the hospital learns he has pneumonia, but this type of pneumonia only affects those with compromised immune systems. The doctor informs Michael that after running more specific tests, he can say with some confidence that Michael has AIDS. Michael receives this news with his partner, Peter. Later that week, Michael discovers that Peter was unfaithful in their relationship and went to a bath house where he possibly contracted HIV and passed it to Michael. This kind of transmission is possible because people can be carriers of the disease while not suffering from any of the symptoms. Feeling betrayed and alone, Michael goes home to his mother and father. This homecoming is not easy as Michael must not only reveal to his parents that he is gay but also tell them that he has a terminal illness. The remainder of the film follows Michael's experiences with his family, fellow patients, and himself.

The screenplay for *An Early Frost* was written by Ron Cowen and Daniel Lipman. Lipman stated that he was hesitant to take on the project at first but after researching the issue, he realized that the film may prove instrumental in calming some of the widespread, public hysteria. A major event that contributed to this rising hysteria was the death of actor Rock Hudson who was considered a ladies' man starring in several successful romantic films such as *Pillow Talk* and *Lover Come Back*. It shocked the nation when he revealed his homosexuality and the fact that he was dying of AIDS in July 1985. Two months later he died. Hudson was the first major U.S. public

figure to announce he had AIDS. News stories on AIDS nearly tripled within six months of his revelation and with more coverage comes more fear. Lipman sensed this fear and took a different approach. “I’m hoping that maybe in a dramatic context,” he said, “it might mean a little more than just having people hitting you with it on news programs and newspapers and magazines.”⁵⁸ By shifting the AIDS crisis from impersonal news reports to the boy next door, Lipman hoped to educate and hopefully calm the public to encourage acceptance of people with AIDS rather than ostracization.

At the end of 1985, scientists were still trying to understand this disease and released new information frequently. The writers of *An Early Frost* were re-writing and adding dialogue right up until the film aired to ensure they were broadcasting the most accurate information available regarding AIDS. This accuracy was essential to Lipman’s goal of quelling the hysteria. To further reinforce the realities of AIDS, the film was followed by an NBC news special called AIDS Fear/AIDS Facts.⁵⁹ The film presents examples of people who were ill-informed about the transmission of the disease. Specifically, Michael’s sister, Susan, who is fully supportive of his homosexuality, refuses to have any contact with him after she learns of his diagnosis. She is pregnant, and she tells her mother that she is worried about the disease hurting the baby. Even after her mother tries to explain that she cannot catch AIDS through casual contact, Susan still chooses not to see her brother until the end of the film right before he leaves to return to Chicago.

Each member of Michael’s immediate family represents three ways of responding to AIDS. Most likely, the audience could identify with the members of Michael’s family making their

⁵⁸ Kenenth E. Clark, “AIDS Tragedy: ‘An Early Frost’ Chills the Blood,” *The Chicago Tribune*, Last modified November 10, 1985, <https://www.chicagotribune.com/news/ct-xpm-1985-11-10-8503170702-story.html>.

⁵⁹ Michael E. Hill, “‘An Early Frost,’” *The Washington Post*, last modified November 10, 1985, https://www.washingtonpost.com/archive/lifestyle/tv/1985/11/10/an-early-frost/56ac957e-75a9-449b-af5e-13ce454fce7a/?utm_term=.b74222f5994a.

responses and later acceptance more impactful. First, Michael's sister does not understand the mechanisms of the disease that prevent it from spreading through more dangerous mediums like casual contact or air. Many Americans responded in this manner. Even after hearing all the reports on how the disease could be transmitted, fear still governed their actions and the thought that you cannot be too careful. But in her carefulness, Susan loses valuable time with her brother who is battling a terminal disease. In contrast, Michael's father has no problem being in close proximity to Michael, but his being gay he cannot tolerate. This response is not to the fear of catching the disease but rather to his son being gay. "That's not the way I raised my son," Michael's father says to Peter, and to this statement Peter replies, "But it's the way he is. You can't change that."⁶⁰ Conversations like these are not uncommon and often go more poorly than this one. Michael's mother tells his father about another patient in the hospital with Michael whose parents washed their hand of him when they discovered his disease, and they have not spoken to him since. Finally, the third response in the film is demonstrated by Michael's mother who reads articles to educate herself on the disease and shares this knowledge with other members of her family. Although she is initially surprised by her son's admission of being gay, she comes to terms with it and invites his lover to stay with them. In one impactful scene, she tells Michael's father that he must make a greater effort to accept Michael because she will not let him lie alone in the hospital where his father and sister will not visit him. This response shows the best way to handle news that a loved one has AIDS. Michael's mother is unwavering in her love and support of her son, and her efforts eventually bring Michael's sister and father to accept his diagnosis and the man he is.

In an early scene, Michael starts seizing in the middle of the night and his parents call 911. The EMT medics arrive and rush upstairs to assist Michael, but upon arrival, one of the men sees

⁶⁰ Ron Cowan and Daniel Lipman, *An Early Frost*, 1985; Directed by John Erman, United States, NBC Productions.

Michael's prescription bottle and asks what he was taking it for. Michael's mother responds that it was for pneumonia, but the medic is not convinced it was only pneumonia. Finally, she admits that her son has AIDS, which causes the medics to immediately leave the room and tell her that she needs to find another way to get Michael to the hospital. The actions taken by these medics may seem unacceptable from someone whose job is to provide medical assistance to those in need, but this situation demonstrates how powerful the fear of this disease was. It was not until 1987 that the American Medical Association (AMA) made their first statement about the AIDS epidemic. In this statement, the AMA declared that medical professionals had an ethical obligation to treat people with AIDS whether they showed symptoms or not.⁶¹ After this public statement, any doctor found to be in violation of this ethical obligation could be expelled from the association. Often, fear of this deadly disease outweighed the possibility of expulsion from the AMA because in 1988, only five states had passed laws to prevent discrimination among health care providers including refusal to treat patients with HIV.⁶² Hopefully, a situation similar to the one Michael and his family experienced would be far less likely to occur after the issuance of the AMA statement, but without reinforcement by state legislatures, this neglect continued.

The filming of *An Early Frost* was not always easy. While all the actors, writers, and directors were proud to be part of this project, NBC had their standards and practices division remain on set at all time to ensure that the film never condoned homosexuality. They also tried to change the plot to characterize Peter a villain for giving Michael AIDS, but Erman vehemently

⁶¹ Robert Pear, "A.M.A. Rules that Doctors Are Obligated to Treat AIDS," *The New York Times*, last modified November 13, 1987, <https://www.nytimes.com/1987/11/13/us/ama-rules-that-doctors-are-obligated-to-treat-aids.html>.

⁶² Bethany Bridgham and Mona Rowe, *Executive Summary and Analysis: AIDS and Discrimination – A Review of State Laws that Affect HIV Infection – 1983 to 1988 – Volume 1* (Washington D.C.: The AIDS Policy Center, 1989), I-9.

refused.⁶³ Additionally, the network had difficulties convincing advertisers to buy airtime during the premiere of the film. The general public still feared AIDS and many companies did not want their brand associated with the disease. NBC executives estimated that they lost a half-million dollars in ad revenues, yet the film still aired.⁶⁴ More than one third of the viewing population that night tuned in to watch the film, exceeding those that chose *Monday Night Football* airing simultaneously on ABC.⁶⁵ These results indicate that although AIDS was a scary and taboo topic, people were nonetheless curious about the film and interested in learning more about the disease. The film was later nominated for an impressive fourteen Emmy awards, winning four, and was also nominated for three Golden Globes, winning one.

An Early Frost paints a promising picture of acceptance of people living with AIDS, but it also addresses the struggle these people face with discrimination and depression. As Michael reveals his diagnosis to people throughout the film, most people initially react poorly. First, Michael and Peter planned to have friends over, but once Peter reveals Michael's diagnosis to them, they decide not to come. Then, the reaction of Michael's father and sister put distance between them because they do not know how to cope with this new information. Eventually, Michael decides his fate is inevitable and gets into a car in a closed garage, turning on the engine to kill himself. Before he can suffocate from the carbon monoxide, his father opens the garage and pulls him out. Thoughts of suicide are not uncommon when faced with a terminal disease and this instance is also not the first mention of it in the film. Earlier in the film, Michael attends an AIDS support group where he meets several other men afflicted with the disease. One of these men says,

⁶³ Jay Blotcher, "An Early Frost 25 Years Later," *The Advocate*, last modified November 10, 2010, <https://www.advocate.com/arts-entertainment/television/2010/11/10/early-frost-25-years-later?pg=2#article-content>.

⁶⁴ Ibid.

⁶⁵ Ibid.

“I don’t know why we all don’t just...end it.”⁶⁶ He says this after learning that another man who had been attending the support sessions has recently died. It is at this support session that the audience realizes that Michael’s situation is significantly better than others. Another man tells the group that he told his boss about his condition and he says, “He fired me. Lost my health insurance, too. Somebody told me he had my office disinfected.”⁶⁷ This injustice is heartbreaking and forces Michael to leave the room because he cannot listen any longer. Firing someone for having AIDS may seem unreasonable but it was not illegal, at least not in 1985. A similar topic is addressed several years later in 1993, in the first mainstream Hollywood film to address AIDS, *Philadelphia*.

In the years between the airing of *An Early Frost* and the release of *Philadelphia*, large strides had been taken to adapt to a world with AIDS. Far more funding was allocated to the AIDS epidemic both from the U.S. Government and other organizations. This funding galvanized more research into drugs to treat the disease as well as a vaccine that may prevent it from spreading further. A large part of this funding was targeted to better public education on the disease and safe sex. In 1988, the U.S. Surgeon General led the first education campaign about HIV and AIDS. This campaign involved mailing out 107 million copies of the booklet *Understanding AIDS*, which became the largest public health mailing in history and the first time the government provided explicit information on sex to the public.⁶⁸ Additionally, during this interim time period, many more well-known celebrities succumbed to AIDS related illnesses including Liberace and Freddie Mercury. In 1987, Princess Diana made international headlines by shaking the hand of an HIV positive man in a London hospital.⁶⁹ This gesture sent a message to the public that casual contact with patients with HIV and AIDS is safe, and that these people should be helped not feared.

⁶⁶ Cowan, *An Early Frost*.

⁶⁷ Ibid.

⁶⁸ “A Timeline of HIV and AIDS.”

⁶⁹ Ibid.

Despite greater exposure to information about AIDS, surveys conducted between the years 1983 and 1989 reveal that hostility toward people with AIDS had remained concerningly high. In 1987, a *Washington Post* survey revealed that 88 percent of the U.S. population believed that controlling the spread of AIDS was far more important than protecting the privacy of people with the disease.⁷⁰ That same year, 43 percent of people believed that, “AIDS is punishment for a decline in moral standard.”⁷¹ In a 1988 Gallup News poll, 33 percent of people admitted to shunning or planning to shun anyone they suspected of being homosexual despite knowing that AIDS could not be spread through casual contact.⁷² This disregard for medical facts continued in 1989 when 25 percent of Americans refused to work alongside someone with AIDS when only 11percent believed that they could contract the disease in this way.⁷³ Considering these opinions among the American public, it comes as no surprise that people with HIV and AIDS faced severe discrimination.

Prior to 1990, the strongest legal protection people with AIDS had against employment discrimination was the Rehabilitation Act of 1973, but this legislation only protected people employed by the Federal government or by an organization that received Federal funding.⁷⁴ The Rehabilitation Act does not explicitly include protection for people with HIV, but the Supreme Court decision in *Arline v. School Board of Nassau County* extended coverage to people with infectious diseases, tuberculosis specifically. The *Arline* decision mentions a similar administrative law decision which specifically dealt with someone suffering from AIDS, thus indicating that its decision in one case of tuberculosis could be interpreted to apply to cases of HIV

⁷⁰ Rosita M. Thomas, “American Public Opinion on AIDS,” Congressional Report, Government Division, 1989, accessed March 11, 2019.

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ David W. Webber, ed, *AIDS and the Law*, (New York, NY: Wiley Law Publications, 1997) 136.

and AIDS.⁷⁵ In 1988, all states had laws prohibiting discrimination against handicapped people, but only thirty-five of those included medical conditions in the definitions of what constitutes a handicap. This distinction in the definition of handicapped is essential in extending coverage to people with AIDS. Only about half of the states that provided coverage for some medical conditions also provided protection for those with a perceived disability.⁷⁶ Coverage for those perceived to be handicapped is also critical in protecting people with AIDS since lesions are a common symptom of the disease. For example, an employer may claim to have had no knowledge of his employee's HIV results, but if they recognized the lesions and fired them as a result, this should be protected under anti-discrimination laws. In 1986, discrimination complaints of mistreatment of someone with HIV/AIDS began increasing at a much faster rate than they had previously.

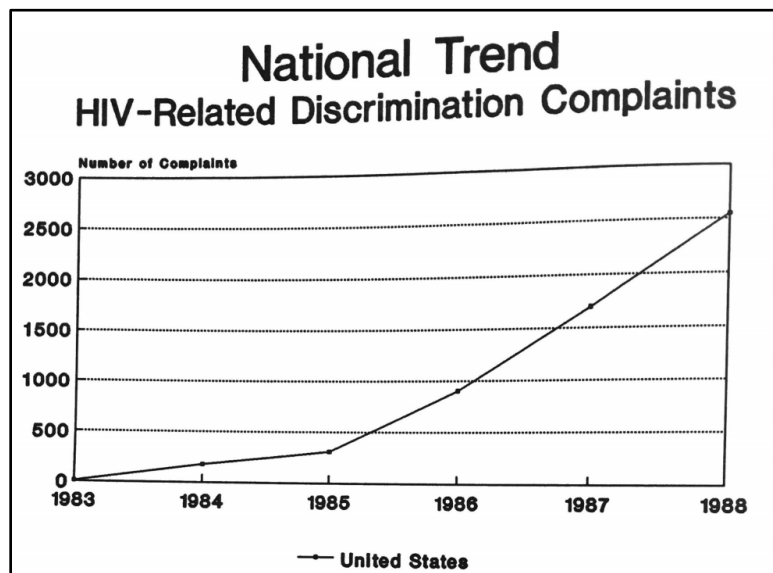


Figure 7: HIV-Related Discrimination Complaints⁷⁷

⁷⁵ Jeffery A. Mello, *AIDS and the Law of Workplace Discrimination*, (Boulder, CO: Westview Press, Inc., 1995) 24-5.

⁷⁶ Bridgham, *Executive Summary and Analysis: AIDS and Discrimination*.

⁷⁷ Nan D. Hunter, *Epidemic of Fear: A Survey of AIDS Discrimination in the 1980s and Policy Recommendations for the 1990s* (New York: American Civil Liberties Union, 1990), 39-40.

With the increase of HIV-related discrimination complaints, Congress began hearings in 1987 to draft a bill that would provide better and more specific coverage to people with disabilities. More specific coverage would prevent vagueness on discrimination issues involving people with AIDS. The first attempt to provide this coverage included an amendment to the Public Health Service Act, which would provide specific coverage to those suffering from HIV, but no further action was taken in Congress.⁷⁸ In 1989, the Americans with Disabilities Act (ADA) was first proposed, and one of its stated objectives was to provide better protection for people living with AIDS. Finally, after several amendments and changes, in July 1990, Congress passed the ADA, which protects the rights of people with disabilities including those with HIV/AIDS and prevents unfair discrimination in both public and private workplaces covering the processes of application, hiring, advancement, and discharge.⁷⁹ This act protects the disabled from being wrongfully terminated from their place of employment, but difficulties remain in proving that the motivation for firing an individual was based solely on his disability. The film *Philadelphia* tackles this dilemma in a courtroom-style drama.

Philadelphia tells the story of another young, successful lawyer, Andrew Beckett, portrayed by Tom Hanks. The film opens with Beckett in top form arguing a case and later receiving praise from the partners at his firm and handed the reins on one of the firm's biggest cases. At this gathering, one of the partners notices a small, dark spot on Beckett's forehead and asks him about it. Beckett deflects and claims it is a bruise from being hit with a racquetball. This spot is the most noticeable symptom of Kaposi's sarcoma: the aggressive cancer that primarily affects people with AIDS. Shortly thereafter, Beckett takes some time off work because his condition is worsening. During his absence, an essential file for an important case goes missing,

⁷⁸ Webber, ed, *AIDS and the Law*, 110.

⁷⁹ Ibid, 136.

and other attorneys are calling him desperately trying to find it. Beckett is positive that he did not misplace the file but rather it had been moved. Luckily, the file is found in just enough time to file the suit, but the partners use this mistake to justify firing Beckett the next day citing an attitude problem and lack of focus. Beckett firmly believes his termination is no fault of his own but rather a result of his employers discovering his disease. He takes his case to many attorneys, all who turn him down, before approaching Joe Miller, portrayed by Denzel Washington, who also initially rejects his case both because he thinks the claim is tenuous and because he is homophobic and fearful of Beckett's disease. Eventually, Miller changes his mind and agrees to take Beckett's case. A lengthy and arduous trial ensues in which the defense counsel paints Beckett as a mediocre employee who engaged in promiscuity which introduced a deadly disease into the office. He is questioned by the defense attorney who slings scathing accusations at him while his former employers and loved ones sit in the courtroom. Finally, to bolster his own case, Beckett is asked to remove his shirt to showcase the worst of his Kaposi's Sarcoma lesions. Unfortunately, Beckett collapses before the conclusion of the trial and must be hospitalized. While he is in the hospital, the trial ends and the jury deliberates returning with the decision to award Beckett more than \$5 million in back-pay and damages.

Philadelphia is not only significant because it was the first mainstream, theatrical film to tackle the issue of AIDS, but its subsequent success and impact are equally as noteworthy. The domestic box office earned more than \$77 million and garnered more than \$200 million worldwide, which indicates that it attracted a wider audience.⁸⁰ The decision to cast well-known actors in the lead roles was a deliberate choice to get people's attention. These actors included Tom Hanks, Denzel Washington, and Antonio Banderas. The film also featured songs by Bruce

⁸⁰ "Philadelphia," Box Office Mojo, last accessed April 29, 2019
<https://www.boxofficemojo.com/movies/?id=philadelphia.htm>.

Springsteen and Neil Young. The director, Jonathon Demme, said that rather than creating a film that only appealed to an audience who was already sympathetic and understood the realities of the disease, “We wanted to reach the people who couldn’t care less about people with AIDS. That was our target audience.”⁸¹ In casting Hollywood stars, the production team hoped that people who never actively considered AIDS might go to the movies and learn more about the issue. Another step Demme took to reduce the stigma of AIDS and help the community was cast people with HIV as extras in the film. He recognized the struggle many of these people faced in finding employment and wanted to alleviate this burden somewhat. Upwards of fifty people with HIV and AIDS were cast as extras, some with visible lesions, and can be seen in the background of several scenes.⁸² Additionally, the film was nominated for four Academy Awards, winning two for Best Actor in a Leading Role (Tom Hanks) and Best Original Song (“Streets of Philadelphia” by Bruce Springsteen). Critics’ reviews of the film were positive, and they applauded its attempt to spread awareness of the issue. On the film, Roger Ebert wrote, “It’s a ground-breaker like ‘Guess Who’s Coming to Dinner’ (1967), the first major film about an interracial romance; it uses the chemistry of popular stars in a reliable genre to sidestep what looks like controversy.”⁸³ This film marked the first step taken by Hollywood to bring the AIDS epidemic to the mainstream and take some of the fear out of the discussion. The more the public sees AIDS depicted in mainstream media the more comfortable they will be discussing it, and through this process, film can help destigmatize the disease.

⁸¹ Elana Gordon, “Two decades ago, Tom Hanks and ‘Philadelphia’ prompted changing attitudes toward HIV-AIDS,” Why.org, last modified December 20, 2013, <https://why.org/segments/20th-anniversary-of-philadelphia/>.

⁸² Ibid.

⁸³ Roger Ebert, “Philadelphia,” RogerEbert.com, Last modified January 14, 1994, <https://www.rogerebert.com/reviews/philadelphia-1994>.

As compared to *An Early Frost*, *Philadelphia* depicts more of the discrimination, fear, and homophobia that often accompanied the discussion of AIDS. Beckett's lawyer, Joe Miller, is overtly homophobic at the beginning of the film refusing to take Beckett's case because he has personal problems representing him. He later reveals to his wife that gay men repulse him, and he does not want someone with AIDS to even breathe on him. Miller goes so far as to get tested for HIV immediately after his meeting with Beckett even though they did not even shake hands. It is not until he coincidentally runs into Beckett again at the public library that Miller reconsiders and agrees to take his case. This change of heart seems to be a result of Miller's witnessing the librarian treat Beckett like a pariah saying he should conduct his research in a private room. Despite witnessing this treatment and agreeing to take the case, Miller continues to struggle throughout the film to overcome his homophobic tendencies. In contrast, Beckett's former boss, Charles Wheeler, proves to be a bigot with no remorse describing him as incompetent and a pervert. Joe Miller and Charles Wheeler juxtapose each other nicely, for Miller initially has the same beliefs as Wheeler and almost lets them decide for him whether to accept Beckett's case or not but rather shows a small amount of sympathy and agrees to help. Throughout the trial, Miller witnesses firsthand the good person Beckett is and begins treating him better, while Wheeler persists in his claim that Beckett created the problem by recklessly endangering them all with his disease. *Philadelphia* likely had more freedom to depict these harsher opinions because it was a major film release as opposed to a TV movie. On one hand, *An Early Frost* may have reached more people over television than *Philadelphia* did in theaters, but with this wider audience, came more restrictions on what could be said and shown. The writers of *Philadelphia* chose to include these more bigoted characters to illustrate the struggles faced by gay men, specifically those with AIDS. Not only did

they have a terminal disease but also faced discrimination and hatred from many people around them.

Philadelphia depicts a trial similar to others occurring across the United States as many people with AIDS were finding themselves with no job, home, or health insurance. The ADA gave people living with HIV and AIDS rights to all of these things despite their condition, but unfortunately, many individuals and organizations still tried to justify denying these rights, and in these lawsuits, the burden is entirely on the plaintiff to prove discrimination.⁸⁴ In *Philadelphia*, the defense attorney tries to prove that Beckett was an unsatisfactory and incompetent employee who deserved to be fired, and his termination had nothing to do with his disease. The case of Scott Burr resembles that of Andrew Beckett in that Burr was a successful lawyer in Philadelphia who was also wrongfully terminated. Burr's case began before the film's release but the trial took place after, and during jury selection, anyone who had seen *Philadelphia* was excused.⁸⁵ The defense clearly thought that if a juror had seen the movie they might be unfairly biased towards the plaintiff, which further demonstrates the impact this movie had on the public. Burr won his case and still practices law in Philadelphia today.

Trials like Burr's continued for years: employees with HIV/AIDS claimed they were wrongfully terminated, while employers claimed they were fired for some other reason. A critical case that bolstered the power of ADA was *Bragdon v. Abbott* in 1998. Sidney Abbott was a woman with HIV who was denied service at her dentist because she disclosed on a medical form that she had HIV. Her dentist, Randon Bragdon, performed a full exam on her, but upon finding a cavity, he informed her that he does not fill cavities on patients with HIV. She claimed that this was unjust under the ADA, for she should not be denied full access to healthcare including dental services.

⁸⁴ Mello, *AIDS and the Law of Workplace Discrimination*, 22.

⁸⁵ Gordon, "Two decades ago, Tom Hanks and 'Philadelphia' prompted changing attitudes toward HIV-AIDS."

The Supreme Court ruled that the ADA protects people with HIV/AIDS whether or not they have “progressed to the symptomatic stage.”⁸⁶ This ruling made a crucial distinction that protected men and women with HIV who had not yet developed any illness as a result of their weakened immune system. These people are equally included under the ADA alongside those who show symptoms and have an AIDS-related illness. Unfortunately, people with AIDS still face discrimination, but they have a much easier time finding a lawyer to help them bring their case to court than Beckett did.

In the years since *Philadelphia* debuted, much more of the public understands how HIV is transmitted. Accordingly, the widespread fear has decreased significantly, but concern about this disease still exists. In 2006, 29 percent of people indicated that they worried about becoming infected with HIV. Older people were much more likely to respond that they were worried about becoming infected.⁸⁷ This reasoning is understandable considering that most young people do not remember the beginning years of the AIDS epidemic as vividly as the older generation. Another survey conducted in 2011 revealed that media is the primary way that the public consumes information on AIDS, and they want more information.⁸⁸ It is crucial that the American public is thoroughly educated on the matter of HIV/AIDS because, “levels of public knowledge have considerable consequences for the structuring of public policy health debates and the long-term social outcomes for the AIDS epidemic.”⁸⁹ One aspect of the struggle to defeat AIDS was adequate access to the necessary medications to battle the disease. Regulations from the Food and Drug

⁸⁶ “Bragdon v. Abbott,” Legal Information Institute, last accessed April 29, 2019, <https://www.law.cornell.edu/supct/html/97-156.ZO.html>.

⁸⁷ Ethel Klein, “Understanding Public Opinion Towards HIV/AIDS,” Gay Men’s Health Crisis, last accessed April 29, 2019, http://www.gmhc.org/files/editor/file/perceptions_klein3.pdf.

⁸⁸ “HIV/AIDS at 30: A Public Opinion Perspective,” Kaiser Family Foundation, last modified June 1, 2011, <https://www.kff.org/report-section/hivaids-at-30-section-2/>.

⁸⁹ Vincent Price and Mei-Ling Hsu, “Public Opinion About AIDS Policies: The Role of Misinformation and Attitudes Toward Homosexuals,” *The Public Opinion Quarterly* 56, no. 1 (1992): 29-52. <http://www.jstor.org/stable/2749220>.

Administration (FDA) required a lengthy process for drug approval. This process required time that many people with AIDS did not have. AIDS organizations fought for expedited drug approval for years, winning small victories along the way. This particular struggle did not affect the public as directly; thus, most Americans were unaware that potentially lifesaving drugs existed, but people with AIDS were prohibited from using them. The film *Dallas Buyers Club* addresses this side of the epidemic by telling the true story of Ron Woodroof who fought for the right for people with AIDS to take whatever medication might allow them to live longer.

The FDA controls drug approval in the United States and has very stringent policies for a reason. It cannot approve a drug without first determining that the drug will not have fatal effects on people who take it, but the arrival of the AIDS epidemic made fatalities inevitable. People with AIDS were willing to try anything that might extend their lives. Rather than adjusting their process during this national crisis, the FDA did not release an approved drug to treat AIDS until 1987 when it approved AZT.⁹⁰ AZT was the only drug on the market to treat AIDS, and it was highly toxic and being administered at higher doses than it should, although this was not discovered until years later. Other drugs were in the approval stages but would require several more years before becoming available to the public. On October 11, 1988, more than 1,000 AIDS activists protested at FDA headquarters demanding an expedited drug approval process for the treatment of AIDS. This protest caused the FDA headquarters to shut down for the day, but eight days later, it issued a statement that new regulations would soon speed up the process of approval.⁹¹ These new regulations marked a notable victory for AIDS activists, but prior to this victory, people with AIDS attempted to obtain treatments in other less legal ways.

⁹⁰ "A Timeline of HIV and AIDS."

⁹¹ Ibid.

Dallas Buyers Club recounts the true story of Ron Woodroof, a Texas rodeo cowboy who was diagnosed with AIDS in 1985. Woodroof, portrayed by Matthew McConaughey, is a drug-abusing, sex-addicted, homophobic man who refuses to acknowledge his diagnosis even after receiving the news that he likely has thirty days to live. When he finally accepts his diagnosis, Woodroof goes to the hospital to try to join the new drug trial for AZT only to learn that it is a double-blind trial in which neither he nor his doctor will know whether he is getting the drug or the placebo. Rejecting this option, Woodroof convinces a hospital employee to smuggle him the drug illegally, but Woodroof abuses the AZT and winds up in the hospital again. His only lead to more medication is an address in Mexico. He goes to this doctor who nurses him back to health with vital fluids, vitamins, and unapproved medication including Peptide T and DDC. This doctor tells Woodroof that AZT is toxic and kills his few remaining healthy cells in addition to the HIV virus. Woodroof quickly sees the business opportunity in these helpful drugs and decides to bring them back into the United States to sell to other people with AIDS. He establishes the Dallas Buyers Club, a club for which people paid a monthly membership fee and could access all the drugs they needed. Woodruff takes on a business partner named Rayon, a transgender woman portrayed by Jared Leto who won the Academy Award for his performance. Rayon helps the homophobic Woodruff by attracting customers who might not otherwise want to do business with him.

Ron Woodroof is a far less likeable character than the other two protagonists in the films about AIDS. In this case, the audience would be less likely to identify with his character, so the film would need to use other tactics to spread its ideas. Transportation was the most effective technique employed. *Dallas Buyers Club* is the most recent film I analyze in this thesis by almost fifteen years. Its recent release leads to some drawbacks but also introduces opportunities. First,

problems the film encountered include that AIDS was not as great of a concern for the general public as it once was. As a result, studios were reluctant to pour money into a project they did not think had an audience. Interestingly, the lack of media coverage on AIDS in 2013 created an opportunity for the film to grab the audience's attention. Since the AIDS epidemic was of greatest concern during the 1980s, a large part of the audience did not remember that time, was not alive yet, or simply needed a reminder. In the film, the directors and actors transport the audience back to 1985 at the peak of the AIDS crisis, and in doing so, encourage them to suspend their disbelief, thereby educating and influencing them.

Through his interactions with other people with AIDS, Woodroof evolves into an unlikely advocate for his customers and their right to drugs that might give them a higher quality of life than only AZT. He must take on the FDA who try to prevent him from supplying unapproved drugs to his customers. He brings the FDA to court where he tries to claim it is his right to take whatever drugs might prolong his life. Unfortunately, the judge dismisses the case, but not before saying, "If a person has been found to be terminally ill they ought to be able to take just about any drug they feel will help, but that is not the law."⁹² Ron Woodroof had no legal grounds to fight the FDA's seizure of the medicine he illegally smuggled into the country, but recently the law has changed. On May 30, 2018, the Right to Try Act was signed into law.⁹³ This bill provides that people with terminal illnesses who have exhausted approved drugs and do not qualify for clinical trials may attempt drugs not yet approved by the FDA. Forty-one states had already passed this legislation at the state-level, but this bill makes it legal everywhere in the United States. At the

⁹² Craig Borten and Melisa Wallack, *Dallas Buyers Club*, 2013; Directed by Jean-Marc Vallée, United States, Voltage Pictures.

⁹³ "What is Right to Try?" Right to Try, last accessed April 30, 2019, <http://righttotry.org/about-right-to-try/>.

state level, some people referred to this law as the "Dallas Buyers Club" law after the film because this is exactly the injustice to which it draws attention.⁹⁴

Upon release, *Dallas Buyers Club* was a major success, but it was not the film that every studio leapt to produce. In reality, the opposite was true. Most studios recognized the merit in the script Craig Borten had written and the entertainment value in Ron Woodroof's story, but they did not think a movie like this would be accepted by the mass public. Even after the success of *Philadelphia*, many producers noted key differences between the two movies that made *Dallas Buyers Club* less appealing.⁹⁵ For example, the protagonist in *Philadelphia* was a sympathetic, upstanding character as compared to the racist, homophobic, drug-using rodeo man in *Dallas Buyers Club*. Even encountering these obstacles, proponents of the film convinced Columbia Pictures to buy the project, but while processing the sale, the filmmakers had concerns that the studio was not determined to make the film happen. Following this setback, Borten sold the script to Universal with a notable director and lead actor signed on for the project, but once again, the film encountered issues that prevented its production. In this instance, executives within the studio felt that the script was not polished enough, and as delays continued, the director and actor eventually moved on to other projects.⁹⁶ Other directors and actors signed on only to roll off after Universal stalled production and other financing failed to appear. Borten extricated the rights from Universal and started shopping the script again, but studios now felt like AIDS was no longer relevant. Finally, Matthew McConaughey and director Jean Marc Vallée joined the project and put all their efforts into getting the movie made. They just needed money. After another false start

⁹⁴ "Dallas Buyers Club' Bill Signed into Law," GetLegal.com, last accessed April 30, 2019, <https://www.getlegal.com/legal-info-center/dallas-buyers-club-bill-signed-into-law-in-la/>.

⁹⁵ Steven Zeitchik, "The Dallas Buyers Club,' the AIDS film no one wanted to make." *Los Angeles Times*. Last modified August 16, 2013. <https://www.latimes.com/entertainment/movies/moviesnow/la-et-mn-ca-dallas-buyers-20130818-story.html>.

⁹⁶ Ibid.

with Canadian equity investors, they finally found the money to begin filming.⁹⁷ Considering all these obstacles encountered by all members of the crew on this movie, it is a testament to the importance of this film that they persevered.

Although *Dallas Buyers Club* was released twenty years after *Philadelphia*, the topic of AIDS is no less relevant as a poll in 2011 by the Kaiser Family Foundation revealed. These results showed that for the first time since 1987, people demonstrated an increased concern over contracting the disease.⁹⁸ Those people surveyed also revealed that they had seen very little mention of the disease in the media and wanted more information about medical advancements that had been made indicating that a receptive audience was willing and waiting for a film on the subject of AIDS.⁹⁹ As illustrated in the chart below, people from every age group cite the media as the primary source for HIV/AIDS related information.

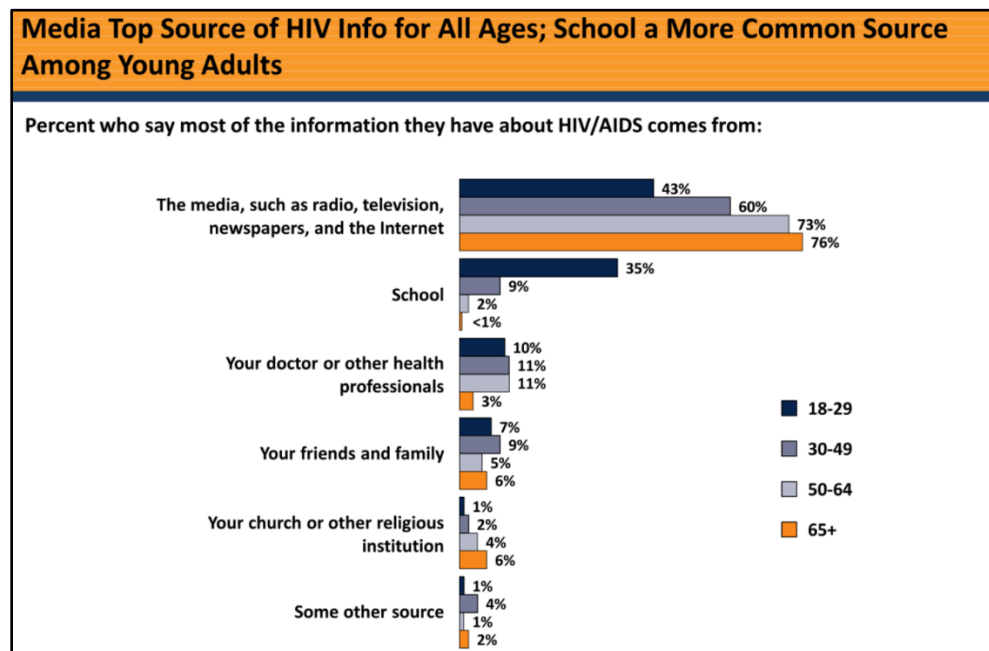


Figure 8: Top Sources for HIV/AIDS Information¹⁰⁰

⁹⁷ Zeitchik, “The Dallas Buyers Club,’ the AIDS film no one wanted to make.”

⁹⁸ “HIV/AIDS at 30: A Public Opinion Perspective.”

⁹⁹ Ibid.

¹⁰⁰ Ibid.

This figure shows that regardless of age, the media, which includes film and television, is the primary source for information about HIV and AIDS, and in 2011, the public wanted more information, which *Dallas Buyers Club* provided. Unfortunately, the most recent survey results from Kaiser Family Foundation in 2017 reveal that 33 percent of the public is still uncomfortable working with someone with HIV and more than 50 percent of people still believe you can contract HIV through kissing or spitting.¹⁰¹ While these numbers are concerning, it is important to recognize that this is an improvement from previous years. The most recent polling results from March 2019 are included below along with earlier results illustrating the increase in people who would be “very comfortable” working with and living with someone with HIV/AIDS.

¹⁰¹ “National Survey of Young Adults on HIV/AIDS,” Kaiser Family Foundation, last modified June 1, 2011, <https://www.kff.org/hivaids/report/national-survey-of-young-adults-on-hiv-aids/>.

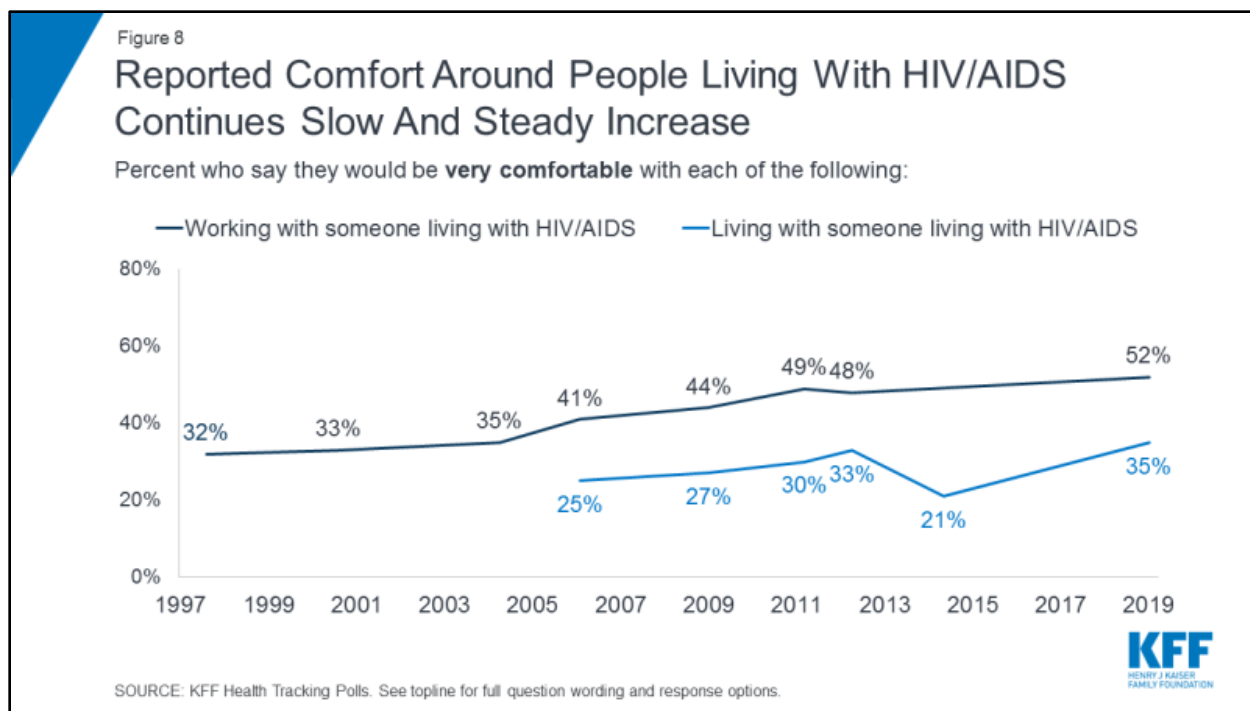


Figure 8: Increased Comfort Around People with HIV/AIDS¹⁰²

Although the current situation is better than it once was, many people still do not understand even the most basic facts about the disease, yet in 2013, studios were saying that AIDS was no longer relevant. While promising breakthroughs have been made to treat the disease, it is still incurable. Information provided by the CDC indicates that new diagnoses of HIV had stabilized in 2013 after years of decreasing since the peak of the epidemic, which is very concerning as this number it has stabilized at is more than 38,000.¹⁰³ Films play a vital role in educating the public, and as we move towards the future, younger generations should still understand the past. They should understand

¹⁰² Mollyann Brodie, Ashley Kirzinger, Lunna Lopes, and Bryan Wu, “KFF Health Tacking Poll—March 2019: Public Opinion on the Domestic HIV Epidemic, Affordable Care Act, and Medicare-for-all,” Henry J. Kaiser Family Foundation, last modified March 26, 2019, <https://www.kff.org/health-reform/poll-finding/kff-health-tracking-poll-march-2019/>.

¹⁰³ “HIV Incidence: Estimated Annual Infections in the U.S., 2010-2016,” CDC Fact Sheet, last accessed May 13, 2019, https://www.cdc.gov/nchhstp/newsroom/docs/factsheets/HIV-Incidence-Fact-Sheet_508.pdf.

the basics of the disease, clarify the misconceptions, and recognize the discrimination that occurred as a result, so they are less likely to repeat these mistakes in the future.

IV. CONCLUSION

These films were released during two eras of radical social change. The 1990s witnessed a record-high rate of executions, which inspired filmmakers to use their work to encourage audiences to view capital punishment through a different lens, whether that be the innocence frame or humanizing criminals. Likewise, in the 1980s, the American public was terrified and clueless about AIDS, which most considered a death sentence. Even Hollywood was afraid to produce any film about the disease for fear of it being too controversial, but certain bold producers, directors, and actors recognized the need for education about the disease and sympathy for those living with it and made films to accomplish both these objectives. These films had a substantial impact on the public's perceptions of both social issues. Evidence for this fact can be seen in public opinion polls from several years, reviews of the films citing their important social message, and policy change in the years after release.

Psychological findings indicate that “transportation” and “identification with characters” give films their influential effect. Both groups of films utilize these tactics to accomplish their goals. The movies about capital punishment needed to create a very realistic depiction of an execution and death row to transport viewers into a reality that they would likely never see otherwise. The films about AIDS similarly transport the viewer into a world with frequent hospital visits and pervasive discrimination. Additionally, both sets of films depict characters that are relatable, for they either resemble the viewer or one of their loved ones. *The Green Mile* offers the everyman, Paul Edgecomb, and shows him sympathizing with the inmates on death row. Likewise, *An Early Frost* and *Philadelphia* depict Michael Pierson and Andrew Beckett, both well-to-do lawyers who find themselves ostracized from loved ones and co-workers. Through the

phenomenon of transportation and identification with the film's characters, these movies spread ideas that change public opinion and influence policy.

Regarding both social issues, people cited the media as being the primary way in which they heard information about the death penalty or the AIDS epidemic. Films also provide an enjoyable experience that people sought out rather than avoiding as they might avoid other political demonstrations. Although film did have some influence on the American public, it was surely not the only medium that affected the change during these eras. An expert on death penalty in America, Frank Baumgartner, writes, "In a social cascade, no single event or participant in the process may determine the outcome. Rather, as each actor affects the actors around him or her, the system as a whole responds, sometimes dramatically, but no single actor can be said to have caused the change, singlehandedly."¹⁰⁴ I have shown that the six films discussed are a few of the "actors" mentioned that are having some influence on the other actors around them (i.e. the audience) to which the larger system responds.

In this thesis, I have focused on two specific issues and the impact of film on each respective social and political movement, but the power of film extends beyond capital punishment and the HIV/AIDS crisis, which I have examined here. The film industry today is much more complex than it was in the 1980s and 1990s including countless at-home streaming platforms, Youtube, podcasts, and other internet media. These varied platforms are promoting even more forms of influence allowing people without the funds and other resources to release a big budget film to still have an impact. In addition to the death penalty and AIDS, directors are addressing a whole new array of social issues today including abortion, immigration, terrorism, gay marriage, and many other facets of sexuality. Within the next decade, we will likely observe a similar trend

¹⁰⁴ Baumgartner, *The Decline of the Death Penalty and the Discovery of Innocence*, 219.

and identify certain films, podcasts, television shows, or blogs that shifted public opinion and affected policy change on these and other issues.

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